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Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES
STRAIT ISLANDER AFFAIRS

(Roundtable)

**Reference: Involvement of Indigenous juveniles and young adults in the criminal
justice system**

FRIDAY, 28 JANUARY 2011

SYDNEY

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**HOUSE OF REPRESENTATIVES STANDING
COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

Friday, 28 January 2011

Members: Mr Neumann (Chair), Dr Stone (Deputy Chair), Ms Grierson, Mrs Griggs, Mr Haase, Mr Husic and Mr Perrett

Members in attendance: Ms Grierson, Mrs Griggs, Mr Haase, Mr Husic, Mr Neumann, Mr Perrett, Dr Stone

Terms of reference for the inquiry:

To inquire into and report on:

High levels of involvement of Indigenous juveniles and young adults in the criminal justice system. With a particular focus on prevention and early intervention, the Committee will identify:

- How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement;
- The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this;
- Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system;
- The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised;
- Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres;
- The scope for the clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system;
- The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

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Committee met at 9.04 am

CHAIR (Mr Neumann)—Good morning, ladies and gentlemen. I declare open this public hearing of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system. I want to start by acknowledging the traditional owners of the land on which we meet and paying our respects to their elders past, present and future. We also acknowledge those Aboriginal people who are now residing in this area.

Firstly, I want to thank you very much for coming here today. In the last parliament this committee received over 100 submissions, and we had about 17 public hearings. But this is a new parliament, a new committee, with a new chair and a new deputy chair. Thank you to those people who have come here again and who have, in the past, provided submissions.

These meetings are formal proceedings of the parliament. Everything said should be factual and honest. It is considered a serious matter to attempt to mislead the committee. This hearing is open to the public and a transcript of what is said will be placed on the committee's website.

Before we start, I would like to introduce the other members of the committee. We will state where we come from, so you get a feel of everyone's background and where we are geographically in the country. I am the federal member for Blair, which is based in the Ipswich and Somerset regions, including the Brisbane Valley. In my area we do not necessarily refer to where people live by towns; we usually indicate where they live in proximity to rivers. I live near the Wivenhoe Dam, the Brisbane River and the Bremer River. My area has been subject to a lot of flooding, as has Sharman's area in Victoria.

Dr STONE—I am the federal member for Murray, in northern Victoria, along the Murray River. It is an agricultural region, with a big Koori population that has been there forever but which is in Echuca and Shepparton, in particular.

Ms GRIERSON—I am the federal member for Newcastle. Newcastle is a big hub for Indigenous services and Indigenous people. I have been in parliament for nine years. In that time I have been involved in some inquiries, including into the Aboriginal legal justice system, an earlier inquiry. So I am very interested to pick up on this one. I am a former school principal, so I am fairly used to the education and community development issues that you have been grappling with.

Mr HUSIC—I am the federal MP for Chifley, which covers Blacktown through to Mount Druitt and up to just south of Riverstone. We have some of the highest numbers of Aboriginals, from the Dharug clan, living in urban Australia.

Mrs GRIGGS—I am the federal member for Solomon, which is down in Palmerston in the Northern Territory. I am a new member of parliament, recently elected in August, along with my colleague Ed. We also have a high Indigenous population in the Northern Territory. I do not have a lot of remote communities in my electorate, but Indigenous people from those communities come into the urban communities when there are issues in the communities.

CHAIR—I come from Ipswich and there is a large Indigenous population through that whole corridor. All the members of this committee have had backgrounds and interests, particularly in these types of issues. I was a former lawyer, practising in criminal law and family law.

[9.08 am]

ATKINSON, Mr Robert, Commissioner of Police, Queensland Police Service

BAPTIE, Ms Joan, Magistrate, Children's Court of New South Wales

BENSTED, Ms Lilian, Acting Inspector, Manager, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service

BLAGG, Dr Harry, Private capacity

EMMANUEL, Superintendent Michael, Superintendent, Community Engagement Division, Western Australia Police

FREUDENSTEIN, Superintendent Luke, Local Area Commander, Redfern, New South Wales Police Force

GRANT, Mr Luke, Assistant Commissioner, Offender Services and Programs, Corrective Services, New South Wales

JEFFRIES, Mr Sam, Co-Chair, National Congress of Australia's First Peoples Ltd

KELLY, Mr Grahame, Assistant Commissioner, Regional Operations Services, Northern Territory Police

McFARLANE, Ms Katherine, Member, New South Wales Corrective Services Women's Advisory Council

McKENZIE, Mr John, Chief Legal Officer, Aboriginal Legal Service (New South Wales/Australian Capital Territory) Ltd

OLIVER, Ms Sue, Acting Chief Magistrate, Darwin Magistrates Court, Northern Territory

PHILLIPS, Mr Shane, Chief Executive Officer, Tribal Warriors Association

Effectiveness and challenges of the justice system for Indigenous youth

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Supt Emmanuel—Twelve months ago I was appointed superintendent in charge of the Community Engagement Division which, in fact, is the inaugural role for that position. We have a responsibility for youth justice and Indigenous and multicultural affairs. We also have a responsibility to inculcate crime prevention ideology throughout the states. It is quite a big responsibility, but it is a very interesting challenge for us.

Mr McKenzie—I have been working in this field for 30 years, not continuously. I will bring that experience to the table.

Mr Atkinson—Lily and I are here today representing the Queensland Police Service. We thank you for the opportunity to join you. We would also like to acknowledge, from our perspective, how grateful we are that this work has continued with the new parliament and we wish you well in your endeavours. You will certainly have our full support in any way we can assist.

Ms Baptie—Currently, I am the convener of the Youth Drug and Alcohol Court in New South Wales. We obviously have a large representation of participants in our program who are Indigenous young persons. We are very grateful, again, to be before the committee today.

Ms McFarlane—I am from Charles Sturt University and I am doing my PhD on the progression of children in out-of-home care to the criminal justice system through the University of New South Wales. I am here representing the women's advisory council, which is a body established by the New South Wales Department of Corrective Services to advise on women's imprisonment and community issues.

Assistant Commissioner Kelly—My present role is the Assistant Commissioner for Regional and Remote Operation. Over the last three years I have had involvement with remote policing to do with the support of the actions as a result of the intervention in the Northern Territory. We see the issue of youth offending and the needs in this particular area as a critical area for us in the Northern Territory in trying to break the offending cycle and improving the outcomes for Indigenous people. I thank you for the invitation to be part of the forum.

Ms Oliver—I am Acting Chief Magistrate in the Northern Territory at the moment and I am also the specialist youth magistrate. I am based in Darwin but, like all of our magistrates, I do circuit work. My particular circuit is out in East Arnhem, Groote Eylandt and Numbulwar. Thank you for the opportunity. I entirely agree with what Assistant Commissioner Kelly has just said, that we see the issues of youth offending and dealing with that, as well as child protection issues, which have an inevitable link with youth offending in the Northern Territory, as being critical to the future.

Assistant Commissioner Grant—We are responsible for a large number of offenders. We manage about 20,000 people in the community and about 10,000 people in custody. Whilst the majority of the offenders whom we manage our adults, we do have a lot of young adult Aboriginal men and women in custody. We also manage the secure end of the juvenile justice system as one juvenile correctional centre in New South Wales. I am responsible for the rehabilitation side of the organisation.

Supt Freudenstein—I also have the portfolio of Aboriginal issues for the central metropolitan region. Redfern is one of 16 local area commands within the city area. Here at Redfern we have been able to decrease the percentage of Aboriginal kids committing crime through programs. I would be happy to talk about that later today.

Dr Blagg—I am here in various capacities. I was a research director on the Western Australian Law Reform Commission's Aboriginal customary law project between 2001 and 2006, which

involved probably the most intensive examination of the link between white and black law that has so far been carried out in Australia. The Western Australian government has managed to implement one, out of about 300, of those recommendations—but you live in hope.

I am also here because, over the years, I have done a lot of work around Aboriginal juvenile justice issues. I am currently engaged by Kimberley Aboriginal Law and Culture Centre in the Yiriman Project in the Kimberley to develop what we would like to call community owned rather than community based juvenile justice strategies.

CHAIR—We are now joined by Graham Perrett and Barry Haase. Graham is from Moreton in Queensland. Barry is from Western Australia; he has the largest electorate not just in the country but in the world, he keeps telling us. Barry has a very large Indigenous population in his area as well.

Before we get started I want to acknowledge the presence of the Hon. Bob Debus in the gallery. Bob was the chair of this committee in the last parliament. Many of you would know Bob. He had a long history as Attorney-General in New South Wales. He was a prominent New South Wales politician who came to Canberra and served in what the British would call the home affairs portfolio in the federal ministry. Welcome, Bob, and thank you for your ongoing interest the issue.

We want to make sure that this is as free, frank and open as we possibly can. We want the discussion to be broad-ranging. It will not be just questions and answers. Feel free to intervene and say what you think. I might get started by making a couple of comments. It has been pretty clear since the royal commission in 1991 that we have gone backwards in this country. It is clear that the evidence that we have been receiving in relation to detention rates for Indigenous juveniles and young adults is alarming, particularly in certain states. We have seen it particularly in Western Australia.

Basically, there are two questions the public would like to know the answers to. Politicians are sometimes considered to be people who want to reduce things to simple answers. I have two questions basically to open the floor up with. The first questions are: why are we where we are, and how can we fix it? They are simple but I think that is pretty much what the public would want to know about. I will open the floor up to you and if no-one wants to jump in first I will start nominating.

Mr Atkinson—The first question, I think, is problematic—why we are where we are. Sadly in the last two years in most jurisdictions in Australia reported rates of crime have come down. So if the proportion of Indigenous people in the criminal justice system has gone up that is even more troubling. I do not know, to be quite honest. I do not know if there is more offending or whether police have become more effective in identifying the offending, through things like DNA and other techniques and improved investigative techniques.

What do we do about it? That is the second part. I think that the work that has been done so far is extremely worthwhile and that the submissions that have been made are all very credible. Without wanting to sound negative in any way I do not think there is a single or simple solution to any of this, or a silver bullet. It is a long-term thing. It would be wonderful to see a bipartisan approach led by the Commonwealth of all political parties at the federal, state and local

government levels. I do think we need that, and we certainly need the departments and agencies involved to be working together.

There are quite significant distinctions between Redfern or the south-east corner of Queensland and Ipswich, a community like Mornington Island and communities in between in terms of large provincial cities like Cairns and smaller towns like Mount Isa or even Boulia. Our approaches need to be tailored to suit individual communities. That is probably enough from me for now. I am happy to go into more aspects later if you wish.

CHAIR—Luke, Bob mentioned Redfern. We are talking in this session about the effectiveness and the challenges of the justice system for Indigenous youth. What is the experience in Redfern in relation to my questions: why are we where we are, why have we gone backwards and how can we fix this? What is your observation on Redfern?

Supt Freudenstein—We have had a fair bit of success with our Aboriginal youth, in particular with regard to robberies. Redfern used to be No. 1 in the state for robberies. We were up to 100 a month. Now our average is about 13 a month. Unfortunately, a great percentage of those robberies were committed by Aboriginal youth. We have been running programs and forums with our Aboriginal leaders. There is a boxing program on Monday, Wednesday and Friday. And we have been running forums and seminars for victims of crime, substance abuse and family violence. From 2008 to 2009 Aboriginal youth committing robberies reduced by 80 per cent. We have a continual decrease in the percentage of Aboriginal people involved in crime in Redfern. Really the only thing I can put it down to is that we have had a really strong focus on drug activity in Redfern. But I think it is mainly the interaction with Aboriginal leaders, who I speak to everyday. I more or less get sanction from them and ask their advice on how to deal with matters. That has been worth its weight in gold. It does work.

CHAIR—Would anyone else like to comment on those last points? Harry, from reading your background, you obviously have a lot of experience in these areas.

Dr Blagg—Yes, I have two things to add. One, it shows the importance of working at a local level. Whereas the overall picture may look bleak, I think there are any number of people around this table and up the back here who could point to all kinds of very worthwhile local initiatives that do work for a time when the energy and the resources are there. But then key people move on or the money is reduced and suddenly it all collapses in a heap again. I think we see that a lot, particularly in rural places where you get the energy of a few people, which is really important in keeping something going.

I think the latter point is the key one, which is the importance of ongoing and constant communication and dialogue between the police and other agencies and particularly community elders. We are talking a lot in the Kimberley these days about cultural governance, which is basically that culture has a role in everything. If there are any issues, particularly around Aboriginal youth, then Aboriginal people have to be at the table. It cannot just be something that you consult about. They have to really be part of the structures and really embedded in the process rather than being called on now and again to rubber-stamp processes which powerful agencies have designed themselves. We see this circle all the time. It would be really good if some of these arrangements were better embedded rather than just having ad hoc arrangements and also, when we get a good idea, like in Redfern, that we really support it all the time rather

than just ticking boxes. People have to learn the lessons. I think the key thing is the ‘what works’ philosophy or orthodoxy does not work in Aboriginal communities. We cannot keep bringing in these ideas from the United States, Great Britain or wherever and assuming they are going to work in this context. For me, that is the key thing—whatever happens has to be home-grown and not imported from the outside.

Mr PERRETT—I just have a general question, particularly of the police service perhaps. While we can look at national data, are there these little circles of success? In unpacking that, is it a go-getter leader or group of leaders in that community? Do the results in Redfern not move to Mornington Island? Is it different person, a different culture and a different set of circumstances? Maybe I can throw to Bob on that one, particularly on the Queensland experience.

Mr Atkinson—Yes, absolutely. I will just stay with Mornington for a minute. On Mornington Island we have a police-citizens youth club. Normally people would only have to be there for two years under our programs. The sergeant in charge of that youth club has been there for four. His wife is there with him; she has travelled there from Brisbane. She runs programs with young Aboriginal women and girls in terms of parenting. They are local missionaries; they are totally dedicated. The Christmas holiday period used to be a nightmare for us on Mornington Island. Through the sergeant’s efforts, in the last Christmas holiday period—not the last one just completed but the one before—there was not one break-and-enter committed on Mornington Island. If you ever had time, I would pay for him to give evidence before you on the work he has done on the police-citizens youth club. So that is probably the best example we have in Queensland of what can happen.

Mr PERRETT—Is that a person rather than a program? He and she build the fabric in that community, and it is not something that you could put a cookie cutter around and move to Perth or Hobart.

Mr Atkinson—It is a person. He is quite outstanding. We have police-citizens youth clubs. There is one on Palm Island and one in Yarrabah, and we hope to have one soon in Doomadgee. But I think the point is valid: in small communities it can depend, I suppose, on the commitment of individuals. But I do take your point—it is a really important one, and I support it—that we cannot have piecemeal approaches because that can actually do more harm than good. People are really well-intentioned. A police officer, a schoolteacher or someone in the education department—they are generally the three organisations or government agencies that are represented—can go in and start something, but when they leave after a year or so it just falls over. That is what I meant before when I talked about a long-term approach that was supported at the local stage and at federal government levels in a bipartisan way. We have a commitment not for two years but for 30 years if need be. That, to me, is really important.

Dr STONE—Clearly what you are identifying there, Commissioner—and you as well, Superintendent Freudenstein—is that relationships are critical on the ground—long-term relationships between those who are employed to be law enforcers and the community itself. But obviously, on the other hand, those people who have the coalface jobs are often the lowest paid in terms of their own hierarchy. They are shifted on after a certain period of time. They are not necessarily recognised in their careers in terms of the work they have done in those remote communities or wherever else. It is a bit the same with the teaching profession. So are you

seeing that we need to very much rethink how we acknowledge and recognise the work of those who are at the coalface in Indigenous communities and recognise it in a different way so that it is not a case of, 'I've got to get on with my job; I'd better move now'? That is one question. We often provide very poor housing for people in these communities and obviously very poor protection, sometimes even for their own safety. There are often mental health and medical issues that make it difficult for a family to stay in these very remote scenarios. That is one set of questions I have: how can we make sure that, when we have an excellent example of someone such as you have just described, they are properly recognised by the system and given some sort of—I will use this word—reward for the additional hard yards they make in terms of their status, their career, their future career opportunities and even their remuneration?

Mr Atkinson—That is a good question. As altruistic as it sounds, I do not think you have to reward people financially beyond what is reasonable and fair—and I think we do that in the main. I will try to pick up on all of your points. I think it is a huge challenge to expect people to stay in communities; I think that is unreasonable—this concept that people will stay there for perhaps five or 10 years. If they choose to, that is wonderful, but I just think that is unreasonable today. It is a struggle for us. If I could just explain, our average age for a police recruit today is 28 to 29; they are tertiary qualified and have great life experience. That is wonderful—a mature person. But most people at 28 or 29 are in relationships and their partners have good jobs, so you cannot just say, 'Now we want you to go and live in Aurukun for three years but leave your partner behind because they don't want to leave their job and there won't be a job for them in Aurukun.' So there is a practical reality to some of this that we have to look at as well, and I do not think we are ever going to be able to get away from turnover of people in communities. What is more important is that we have some who are prepared to stay there for longer terms, like Dave Ives at Mornington and others who will stay there for two to three years, and that the people we send there, whether they are teachers, nurses, police or community safety workers, are committed to what they are doing. I think the recognition would be from people such as you, who would say: 'That was good. This is important for Australia and Queensland and everywhere else. Well done.' This is no criticism, but I am just not sure that any of us are doing that well enough at the moment.

Assistant Commissioner Kelly—If I can pick up on some of the points that Commissioner Atkinson has made and address some of the questions that have been raised. The issue is: how do you keep people in communities who are good people? We have learnt a few lessons over the last couple of years. I guess we have been under a bit more scrutiny than normal. We have had people from outside looking at our police force and other agencies in the Territory. We have just created a new remote policing development command. It is about teaching a new skill set to our police. It is about recognising that our job is not just law enforcement; it is about broader community safety.

Our expectations of our people have changed quite markedly. We learnt some lessons out of Taskforce Themis, which is the policing operation for supporting the intervention activities. We have put 18 more police stations in the communities and they have a different role. That was very strongly emphasised around community engagement, getting to know the people, getting to understand the problems that the community has, looking at the issues that are the highest priority for the community itself as opposed to what we saw as the priorities, developing relationships in the community so we get to the stage where we actually have people talking to us about what the problems are, recognising that all the communities are different and we are

dealing with different people and different traditional cultures in different parts of the Territory from saltwater to desert people and recognising that there are a whole range of different issues around their law and their customs. How can we harness that in terms of getting a better community safety outcome for the people who live in those communities? How do we get police officers to have a better experience in those communities, as opposed to being there for short periods and invariably rubbing up against the things that they probably do not know a lot about and do not understand?

So part of our process is learning more about the local community that they work with and recognising that a police officer who works in Imanpa for two years and then moves to Maningrida has to start again in terms of learning about those people because their rules are different. They are the same in a lot of ways but they are different. It is about understanding that the difference is there and understanding what the differences are that are the keys. By doing that, the idea is that we get a better relationship with the people.

One thing that we think causes our young people to be in strife with the police in some of these communities is the breakdown of the cultural values that they have and the cultural authority of the old people. One thing we can do as police is engage the right people in the community. In the past a lot of people have made the mistake of going to a community, meeting with and talking to the people, but listening only to the people who are outspoken. Too often the outspoken people are not necessarily the people who are entitled to speak for that country. By learning a little more about those sorts of things our engagement becomes of better quality and we have the secondary benefit of reinforcing the cultural authority of those old people. We are trying to re-establish some of those values in the communities that are going to be of benefit to the wider community.

So we are going through, we are embarking on, a pretty significant cultural change. A lot of it is around lessons that we have learnt over the last few years and some of it is returning to some of the old bush policing methodologies that we had years ago. We used to think we did pretty well, but we seem to have lost those over the last 10 years perhaps.

CHAIR—I have already picked up on programs and pilot programs. There are a lot of pilot programs, particularly on diversionary assistance, but they do not seem to be well coordinated. Do you have any thoughts in relation to those programs? Particularly, there is diversion. We have a number of magistrates here, and I would be interested to hear what they have to say about the gaps we have in diversionary programs, particularly programs that assist people to avoid recidivism. Joan, you have got a lot of experience in that.

Ms Baptie—The youth drug and alcohol program is a multiagency program. We have health, education and juvenile justice. They all coordinate extremely well and they are all focused on the outcome of involving the young persons in intensive interventions. Obviously, the prime objectives are to keep them out of custody and also to reduce recidivism.

In relation to your question about incarceration, the outstanding area that we see both in the Children's Court and to some extent, unfortunately, in YDAC, is the issue of accommodation. It is recurrent. It does not seem to be able to be resolved. I do not know whether that is because there is a lack of recurrent funding, whether it is a matter of coordination or whether it is something much more complex. A number of our young persons are already placed in out-of-

home care through care arrangements. You can just see them. It is almost a transgenerational situation, where their parents were in care and they are in care. There just seems to be a large gap in being able to address a range of issues for these children. For example, in the Children's Court considerations of bail can be as fundamental as: who is going to be responsible for this child's accommodation? That often cannot be resolved, and you have government departments that say, 'That's fine. Just lock them up. That will solve the problem of accommodation.' And it sure does, but it is not in those young persons' best interests, one would think, because ultimately, at some stage, they are going to be released back into the community and they are going to be angrier and less able to integrate for their very important futures.

In terms of YDAC, the drug and alcohol court, there is a lot more information available to us because of the nature of the program. So we get a better idea—maybe not ideal—of what some of the deficits are in each particular case and we are able at times to cobble something together. At other times there are available resources already in place, thought through, and a track record that it is workable. Unfortunately, there are other situations that are not. A bit like Assistant Commissioner Kelly was suggesting, sometimes you have to tailor what is available for the Indigenous youth that come to the youth drug and alcohol court. We have a greater ability to do that than the Children's Court generally, which have such a limited piece of information before them in a very short period of time in court.

The other issue that I would focus on is issues around mentoring, which are extremely important. I know Shane Phillips runs a marvellous program, the Tribal Warrior program. Certainly what we see is that young males particularly really seem to respond to mentoring. But we are often challenged with the situation where, ideally, an Aboriginal mentor is not regarded as being suitable or appropriate, because 20 years ago they had a criminal conviction.

There is one juvenile justice officer down at Campbelltown, Billy Bell, who sits in court. He has a history and I hope he does not mind me raising this. He is quite generous about indicating his past history but he was in trouble as a kid. He is a marvellous mentor, particularly for those young Aboriginal boys who go through Campbelltown court. He knows all the families and he is able to click with them, talk to them, work them through some of their problems and put them in contact with people who might be able to advance that. The fundamental issue for us is the ad hoc versus recurrent funding problem. Everybody would love more money, there is no doubt about that, but if accommodation and mentoring could be funded in a better targeted way, it would certainly assist these young people.

Ms GRIERSON—I have a couple of questions for whoever would like to answer them. You have already canvassed the need for individualising and tailoring different programs and responding flexibly to the needs of individual communities and with resources et cetera. When you find someone you need to be able to bring them into program or not lose them and have the grant continue if the program is working. What does the Commonwealth need to do to assist you in giving you more flexibility in your areas? The issue that interested me in going through some of the previous submissions is the pre-trial intervention before a young person actually gets to that stage. So once they are arrested or charged or whatever, something happens then rather than wait till the sentencing or the hearing. I am interested in knowing whether that is working.

When young people first present is there a special program if they are a first offender. Do we do more then? Is there a triage type of system—not the legal system where the law says certain

things—where you say that the need is just so great. Those are some of the issues that have occurred to me that I would really like some clarification on. What can we do to make it more flexible and responsive? I am interested in pre-hearing sentencing type approaches. What do you do with first offenders and kids who are presenting all the time? Do you have the flexibility to respond to that?

Mr Phillips—I am from the Tribal Warriors Association in Redfern. We need service coordination models based on local infrastructure. Accommodation is always a problem. I will give you a small example. Some of the kids that we have come from some fairly difficult backgrounds. They are trying to do something for themselves. Our whole program is based on taking control of your own destiny. You cannot change where you have come from or where you are at right now but you can change where you are going. When the kids go home that evening, maybe home is not that suitable and they might not get the rest that they need to get up and do what they need to do to change it. So we need accommodation not just for that but also for kids and older people who are coming out of the system. Accommodation is always a problem. They try and break the pattern and change the recidivism rate and they know about it themselves, but they will hit the wall and some of them just do not have the tools at this stage to keep pushing forward until they get that simple accommodation.

We tried a model here—and I am probably going to get into trouble for this—but it got too bureaucratic. The way that people could get accommodation was pretty difficult. If there were some structures or departments already in a town or a suburb you could probably help—I do not know whether there is an administration fee from the Commonwealth to help coordinate it—to bring the players together and break down the model so that it is more practical. The practical part of it will see real results, the bureaucracy sort of tends to drag the whole momentum away and it is so important that we keep moving on it.

The other part of it is that it is all about local solutions. The point about the role models and mentors has been raised many times. We talk locally. You can be either part of the problem or part of the solution. If your background says you are safe around children, even though you might have committed an offence—it might not have been a violent offence but whatever the offences are that we know exclude people from working with kids—or you are someone who needs to change, you need to be part of it. They want to be part of it, and we can help them build their capacity in their community. That is the real foundation that we need within our own communities. We are seeing it.

I cheekily invited two of the young mentors here. If you want to ask them questions, they can articulate where we are at. They have seen things happen and they have seen these real, practical changes themselves. We said to them, ‘We can’t change the world but we can work on our own patch of dirt,’ and that is what we want to try to do. If we can get that strength within all the communities around the place, the stuff is already there.

Unfortunately, the mentors need to get paid, because they are making real changes within the community. Luke may have spoken about it earlier, but these young kids changed the direction of the Block. They were part of the problem. They changed it. In the Block, strangely, we have got a relationship with the police, which has never happened before. I never had that. I always thought it was us and them. These kids always thought it was us and them. Just by doing simple things together with the police—and it is an exercise program—we have learnt something about

the people, not the title or the position they are in. They have learnt more about the whole person. When a police officer comes into Redfern, they do not know much about it. They have heard a lot about it—the stigma, the perception. They are going to be either fearful or negative in a lot of cases, because they fear this is going to be a hard place to police. We are breaking that down, really simply.

The service coordination model is so important. We are going to need another time for a group of us to sit around and put it together, but it needs to be something very practical and less bureaucratic.

Dr STONE—Just to follow that chain of thought quickly, in New Zealand I have seen hostels which are dedicated to Maori people who have come out of prison. They are voluntary, of course—if you wish to stay there. They have mentors built into that and they have employment support, and they have quite strict rules about alcohol and drugs and about associates coming in and staying and all those sorts of things. Do you have any examples of something like that? How does that sound to you in terms of Australia using something like that? You have to bear in mind that, with these hostels, once you have a full-time job, you move out. That is the deal, but some people do stay in them for quite a while. They are ex juvenile offenders.

Mr Phillips—I think it is a great idea. If we had one here, we could make it work, because we would follow all the same rules. We think it is so important. A real mentor enables; they make themselves redundant. That is what we want. People do not want a mentor for the rest of their life. They want someone to help them engage in what they need to engage in and take on the responsibility for themselves, and see the milestones behind them and say, ‘I’ve accomplished that.’ When they are learning about that, they are learning about their own people and they will learn about the strengths of our people. That is what we want. We want them to focus on the great things and not the deficits. They have probably come from a life where they were conditioned to focus on the deficits. Having a hostel means we would have a place where we could help them transition themselves into permanent accommodation and employment. Getting their head and hands occupied is so important, especially if they are coming off some substance. You already know how that works.

CHAIR—Before I pass over to Graham, then Barry and then Ed, I have a question about midnight basketball and the role of sports. Shane, you are the expert on midnight basketball.

Mr Phillips—No, I am no great expert.

CHAIR—You are built more like a football than a basketball!

Mr Phillips—I am shaped like a basketball; that is about it! Having positive places for kids to be at, with positive influences, makes a difference. It is so practical. There are heaps of doctors around Redfern and a lot of them are Kooris, and a lot of our kids would be aiming to be doctors. It is just making sure, and it is so practical, that people have got opportunities to be in places where there is good structure and there is a routine.

CHAIR—And a basketball?

Mr Phillips—And a basketball. We know a lot of kids in our community are into sport. We want to harness all those sportsmen but we also want to harness some great careers for them out there. We do not want them to put themselves in that pigeonhole where we are always told, ‘They’re really good with their hands,’ or ‘They’re good at sports.’ We want them to aim high and break the mould, because things will happen if we start to push it. We have to push the envelope. Kids will start to believe all the things they can be. I also was conditioned to think that we could only be good with our hands or athletes. But human beings are adaptable and they can do anything.

Mr PERRETT—This is tying in two things said by Magistrate Baptie and you, Shane. There seemed to be a suggestion in your discussions about finding a suitable home or suitable accommodation because parents had almost vacated the field for the kids that you were encountering. Was that the case?

Mr Phillips—Ken can follow on; he will agree, I am sure.

Mr PERRETT—You are looking for mentors; you are looking for role models. Obviously the parents were not there or were not suitable.

Mr Phillips—Mentors need to work with parents. Some parents love their children and may need some help to engage in things. We have resources around the community and some of the parents that we are seeing are starting to engage. Some of the parents are turning up. All we have is a simple training program but we have put a bit of a network together. There are resources out there that could help someone who needs parenting skills, who needs a job to help them build their self-esteem. It is about that capacity of building all those great things within the home so that people can aspire to things.

Ms Baptie—I agree. Some of the parents are really frustrated. They really want to do something but they are not able to be in contact with the support that they really need. Some of these kids are way out of control. Some of the parents have completely disengaged—for example, they are incarcerated or for whatever reason they have drug and alcohol issues, and they are not there for the kids.

Part of our problem with bail, for example, is that, unless the young person enters a plea of guilty, juvenile justice supervision usually cannot be organised, although sometimes they are prepared to do a deal, if you like, because they can see that this young person has such high needs. Taking up your point, I think it would be better if we could front-end load, if you like, a lot of these programs and have an early intervention while always being mindful, of course, of the young person’s entitlement to plead not guilty and to have their matter heard. But sometimes it is a separate issue in terms of their family supports, their drug and alcohol issues, their schooling, their sporting activities and their socialisation—all those sorts of thing. They just need a bit of a door opened for them, and usually a lot of them take it up and run with it in a really positive way.

Ms GRIERSON—How do you formalise that?

Mr PERRETT—Sorry. Can I ask a follow-up question to that. Already Aboriginal and Torres Strait Islander children are well overrepresented in terms of children that are in the care of the

state. With all due respect to the state, the state is not a great parent; it is a pretty ordinary parent. Things have to be pretty bad before the state steps in to take control of a child. Would there be opportunities, within the context of the stolen generation, for people having some long-term care decisions made for children earlier rather than later? It seems that kids just go from care placement, to care placement, to care placement and never actually have stability because the parents are still involved. I am sure the magistrates would like to make a comment on that.

Ms Baptie—I do not know whether this will answer your question but there is a current pilot at Nowra, which is, as you probably know, the Care Circle. This is an attempt to involve some of the elders in that community. They are a very cohesive community down at Nowra. Certainly, Circle Sentencing has worked extremely well down there. This is a similar type of idea involving Aboriginal people so that, if the child does need to be removed from their parents, at least a family placement rather than an out-of-home care placement might be achievable.

Mr PERRETT—Would that be a long-term situation where the parents do not have to consent? It is not quite taking a child into care but rather removing that child from the control of parents—although I am not sure that there is such a distinction.

Ms Baptie—There are two issues: one is the parents may consent; the other is that they may not consent so that there is a realistic possibility of restoration of the child to their care. That would go to hearing and the court would then make its own determination as to whether that was feasible in the short term or the long term, because there could be a staged restoration. Where those options are not available, obviously the preference of the court would be a family placement.

Mr Phillips—It is fairly idealistic. I think the most extreme cases get to that but I think we have to build the capacity within our own. We have to build the strengths up. Even if people are not relatives they are part of the same community and network. The simple old saying that it takes a village to raise a child is so important to us. We have to build the capacity. Those mentors can help engage in communities. They have the strong links. If they have the advantage of being just outside of it they can be objective and help you find those people.

Ms GRIERSON—Can I just say very quickly that a lot of this generation of Indigenous children are being raised by their grandparents—their grandmothers—as we know. I am sure a lot of you would have observed the tensions about Centrelink payments for carers. There are tensions between the daughters and the grandmothers—the two generations—about who gets the financial support from the government to raise those children. Have any of you been observing those sorts of tensions, where the grandmother has perhaps been looking after the children for a very long time with great associated hardship and very few resources? I am particularly referring to places in Victoria and the difficulties for our family courts to recognise that situation. Indeed, family payments should recognise the dual parenting, where the grandmother also needs financial support if she is to do what she has to do in raising those children. Are you aware of that grandmother situation?

Ms Baptie—I am aware, I guess, of the dynamics but I am not necessarily aware of the funding issue in terms of who receives the Centrelink payment.

Ms McFarlane—Could I add something to the payment issue. I am doing my PhD looking at the progression from care to crime for Indigenous and non-Indigenous children and also the inter-generations and the effect on stolen generations and forgotten Australians. The government has apologised to both groups.

I think that one of the first problems is that people think that when there are difficulties in the families if you put a kid in out-of-home care it is all going to be shiny and fantastic. You said before that DOCS or the equivalent state agencies are not great parents. If you look at the jail population and you look at the juvenile detention population you see that the vast majority of kids and adults—the single biggest group, if you include Aboriginal people—are people who have been through the out-of-home care system already. If you exclude Aboriginal people from that and you just look at non-Indigenous out-of-home care it is still a big group. If you put them together we are talking about half the jail population.

There is also an idea that if you take people away and put them in out-of-home care they do not have anything to do with their families or are the sole responsibility of DOCS. That is not the case. In many instances kids before the Children's Court are still living with their families but are in out-of-home care. The minister or the department has parental responsibility and makes all the big decisions but the kids are living with their mum and dad or various relatives during that time.

One of the problems is that in the Children's Court a lot of the time DOCS advocates for a child to remain in custody—despite, often, the parents or grandparents or other relatives—because the accommodation is not deemed suitable and they do not have a placement. So you get a not unusual situation where a state agency that is responsible for the care and protection of children—an agency where the child's best interest is the prime concern—comes to court and says, 'Put them in jail; at least we know they are going to be safe.' I think the role of DOCS as parent needs to be looked at once the children are removed. It is not just about child protection and removal, as if that is going to solve the problem; it is about what is going to happen after the state agencies, non-government services or private agencies have the children.

A lot of the issues are exhibited through breaches of bail, where a child might have a condition not to associate with co-offenders, who are often group-home residents or relatives. The child might be excluded from a particular area, like Redfern. They are going to go back and see their family; it is kind of ludicrous to pretend that they are not going to. So if you have an exclusion zone the kids are breaching curfews to go back and see family or just hang out in an area they know. That immediately gets them in contact with police. In New South Wales police have no discretion—or have chosen not to exercise it in the 1,000-plus files that I have seen, because every bail breach gets them brought before the court for those sorts of things. The court may then allow a child to go back onto the bail it had or the court might decide that that child has to spend at least a night in custody. But by the time the police bring them to court they may have spent at least a few hours in police custody, and often one or two nights, especially if there are accommodation issues.

Also, you talked about the early intervention—sorry, I am overloading lot of points. On arrest, the way the New South Wales legislation is set up is that, if a child pleads guilty, then you can go to a youth justice conference or have a caution. But if that child on the advice of legal services chooses to exercise their right to have that charge tested or there is not enough information for

the ALS in particular to advise them, and they do not agree to participate in an electronic record of interview, the police will almost always refuse them the caution or take it to court and let the magistrates refer them to a youth justice conference, which means they may again spend some time in custody. The charge reasons given are that that young person has refused to admit to the offence. But that is their right; you do not know what the charge is yet—you do not know what they are actually pleading to. So the legislative impediments propel people at a really early stage into the juvenile justice system even if it is just being on remand for a night or so.

There were recently some changes to the legislation which were premised around adults. They made certain offences aggravated—more serious—because you commit them in company, such as break and enter into a home. But that is the definition of break and enter—you are usually in a residential premises. These things make the offence more serious. Kids almost always offend in company, and they are almost always doing things in groups, so the offences which were designed to catch more serious adult offenders have, from what I can see, caught all these kids and made what were ordinary yet admittedly serious sorts of offences a lot more serious and excluded them from diversion into the more minor ways of avoiding the court.

Mr HAASE—Thank you. I think you make a lot of sense, Ms McFarlane. My approach is perhaps that of the devil's advocate. I notice that around the table today—and you are in here at our invitation, so it is not your fault—we have those who are accustomed to dealing with problems but no representative that I can see from education. I believe that education is surely a large part of the issue, because we are dealing with recidivism. But if there was no lawbreaking the first instance there would be no incarceration and no question of recidivism.

I wonder if you have any contribution to this discussion in relation to where you see your role and where you feel that your skills are left wanting because you do not have an involvement in education—the situation before a crime is committed. Should we as a nation be putting more resources not into plugging the holes but into preventing the holes from happening in the first place? It may sound a little starry eyed, and I do confess to coming from a background where lawbreaking was less popular, but I am very concerned that the care and attention, the level of accommodation and the support structures and systems—the conditions generally—we give to those who find themselves interacting with the law because of their behaviour is greater than we give to those who lead a law-abiding life either in urban conditions or in community conditions. My familiarity is, of course, with those who find themselves in remote communities today.

Assistant Commissioner Kelly—I think what you are referring to is what we should be doing from the point of view of a strategic intervention. I refer to something I learnt from Professor Malcolm Sparrow from Harvard University, who does some training with police. He talks about terrorism and the vast amount of money that gets spent in emergency response situations at the time, when it is too late, and the amount of money that gets invested in the recovery effort for all the things that come afterwards in trying to repair the damage that has been done and repair the community and get it back to a functional level. He talks about the big dollars that are spent at that end. At the other end of the scale is where the small dollars go. That is on all the factors that are going to bring us to that point of crisis. You can relate it to cyclones, floods or even a child abuse crime.

We should look at the factors that contribute over sometimes many years to that crisis. Why don't we shift the money from the crisis point to early intervention? There are a whole lot of

factors like housing, education and leadership. Why don't we do that? The answer is really simple: because we have to spend all this money at this point here because we have already got the crisis. If we are going to be smart about it we have to bite the bullet and recognise that we have to keep spending that money there but start spending money here as well for a time. Sooner or later, if the theory is correct, we will reach a point where we can stop spending the money up this end and can reinvest it at the front end. If you look at that from a practical point of view: why are kids in care and why do we end up with children in conflict with the justice system? No home, no education, no job, no hope and no future.

Mr Jeffries—I am Co-Chair of the National Congress of Australia's First Peoples and am co-chair of this great facility, the National Centre of Indigenous Excellence. I am going to attempt to answer in some way Sharon's original questions. Administrative complexity should not be a barrier to achieving any outcomes. The bureaucracy that gets in the way at times of achieving some sensible results in communities and how they work or sometimes prevents programs going ahead is sometimes beyond understanding. Those sorts of things need to be really factored in.

Flexibility in funding is almost nonexistent. I remember having these conversations 20 years ago. We do not seem to have moved anywhere. We are still going over the same ground, so learning from what we have done in the past does not seem to have eventuated. There needs to be some untied money for groups, whether it is local governments or state governments, so they have complete flexibility to do things that are outside the normal scope of designing and delivering programs and services.

I have seen evidence that when there is greater coordination and collaboration it has worked exceptionally well. That needs to happen across the respective levels of government and between each level of government. We sit at these forums and say time and again that there needs to be greater coordination and collaboration. There does not seem to be the connecting tool to make that happen for some reason, and I am not quite sure why that is.

I think sport, music and IT are the areas where young people's span of attention is, and I think they are the areas where we can capture their attention. Shane talked about the role models. I also am involved in a lot of programs that use role models to engage young people in participation, in school and those sorts of things. So it is having particularly good role models across that area, even if they are musicians—they do not have to be athletes; they can be musicians. They can be something that captures the young people's attention so that they cling to that. Otherwise they adopt a culture which is foreign to our own country. A lot of the time they are engaging in something that is American or something that is overseas and not necessarily something that has been created here in Australia.

The mentoring that we talk about, I think, needs to be intensive. That might cost a lot of money. We quite often say, 'We can't quite pay for that because it comes too high.' When we talk about mentoring, it might get down to one mentor to two kids or something like that, and that costs a lot of money when you think about that. But we are quite comfortable and relaxed about accepting the cost to society when they are institutionalised. So I think these sorts of things need to be relooked at and maybe we should change the ballpark around how these things operate.

I think facilities are a part of some of this responding or being preventative in the way that kids are getting engaged and not coming in contact with the criminal justice system. This facility

has galvanised the Redfern community. It has changed the face of it in the last 12 months. It has been unbelievable. All types of society and all members of the different communities in Redfern participate and come to this centre. I know that we cannot do this everywhere, but I think that in small ways we can replicate some of the benefits of things like this through some programs that do not have any strings attached to them and good facilities that can offer some alternatives. A place like this offers an alternative to some people or an addition to their current life so that they are not then drawn into something that they feel is necessary or that they should participate in.

There is this whole thing about the prevention. I think prevention is like primary health care. If we can do primary health care, good: we are not treating people with doctors when they are sick. If we can do prevention in programs that keep young people focused on having good health, good housing in their later life, good education and employment, those are the pillars of our society where we all get our foundation of life, and those are the sorts of things that I think need a real effort and greater coordination to make things happen.

CHAIR—Sue Oliver, your evidence in Darwin was very much supportive of diversionary programs as well. From your experience, I would be interested to hear what you have to say about that as well.

Ms Oliver—I might come to diversion programs in a moment. I want to pick up on what Grahame was saying; I entirely agree with his observations. Your question was about, I guess, early social responsibility: why don't people have those skills? I think that in the Northern Territory, where we have significant problems, we need to ask ourselves what happened over the last 20 to 30 years so that we are now seeing high levels of offending by youth and young adults and the consequent high levels of incarceration.

The first term of reference for this inquiry is the question of how the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement. I think that that assumes that those young people do not have a social norm. They do have a social norm. Unfortunately, the social norm is often a household where there is alcohol and substance abuse and where there has not been an engagement with education for a couple of generations. In some communities, it is a social norm where it is acceptable to take up weapons whenever you get upset with anyone and you run around the community threatening people with spears, machetes and tomahawks. That is the social norm for a lot of young people in the Northern Territory. So we need to ask ourselves how that got to that situation to start with and what we need to do to start rebuilding that at the bottom end.

Dr Blagg—Can I just qualify the statement you made there. You talk about the Northern Territory as if it were a homogeneous entity.

Ms Oliver—I definitely do not want to give that impression.

Dr Blagg—I have been in every community from Maningrida down to Aputula over the last couple of years and I, like anybody else, would note the enormous diversity in the health of communities, levels of community engagement and so on. The communities that you mentioned in terms of tomahawks and spears are actually the ones which, if you like, have been the most overgoverned, increasingly overgoverned, by white bureaucracies and where those kinds of cultural capacities that Shane has mentioned are being steadily eroded and stripped away. We

have had the intervention and the imposition of the shire system, which has been a bigger catastrophe, it seems to me, than the intervention.

The communities that seem to me to be in the most strife are those where there have been the most deliberate attempts over the years to strip away Aboriginal law and culture. We had a situation in Yuendumu recently where most of the community moved out. That is interesting, after a fourfold increase in the number of police in the community. Wasn't that supposed to make the community safer? Well, no, it did not, because what has happened over that period of time has been a diminishing capacity for the elders on that community to have a real say. I do not mean when we want them to have a say; I mean to be ordinarily controlling their own communities.

I think that some observers make the NT situation sound as if it has all got to do with Aboriginal law and culture, whereas I think there is also a view that would see it exactly the opposite way around. We have a court system, particularly local magistrates courts and even some of the bush courts in the Northern Territory, where the magistrates routinely ignore elders in the court. I have sat in them over the last couple of years and watched magistrates do it. When elders have wanted to come into the court and talk about issues, they have been allowed to say their piece by the magistrate, who takes the wax out of his ears, looks up at the lamp and then says, 'Oh, thank you very much. Let's move on.'

I think that whole picture in the Northern Territory is a far more complex one. We have a situation, in a sense, where our law is not working and our Aboriginal law is increasingly denied jurisdiction. We need to have it move towards a situation where we re-equip some of the community elders to actually have some more cultural authority in their communities. What I have witnessed over the last four or five years in the Northern Territory is exactly the opposite strategy in play.

CHAIR—Sue, continue, please.

Ms Oliver—I was not suggesting that the Northern Territory is homogenous. In fact one of the things that irks me about a lot of what is said about the Northern Territory is the assumption that people are the same or similar in all communities. There is a vast difference between offending in communities and in urban areas, there is a vast difference between communities and urban areas and there is a vast difference between communities and communities. Yuendumu was not the community that I was mentioning. I think we do need to recognise those things.

I will move on to the diversion question. I think police diversion has been very successful in a number of areas in the Northern Territory, but it is very dependent on having NGOs who are able to deliver the programs that are needed to support the diversions. You see some communities where that has been extremely successful. For example, at Groote Eylandt there is an excellent youth development unit. That community has gone from a situation where in the eighties it was almost a rite of passage for young males to go into detention or imprisonment early in their life to very little youth offending, and I think much of that is down to the youth development unit that runs there.

But in my view we simply do not have enough NGOs operating in the Northern Territory. I would agree with what other people have said: bureaucracy is not actually particularly good at

coordinating and delivering programs. I think we suffer from that lack of NGOs and lack of an ability to interest NGOs and fund them to come in and deliver the individual programs that would make a difference in particular communities.

Mr HUSIC—There was some program around the perimeter to do with the functions and discretions around this issue of diversion—in particular, in elements of the transcripts from when we appeared in Darwin. It is something that I am very keen to talk about and understand a bit further to get some sense of what people believe to be the best elements of successful diversion. I think one of the points you have just raised is about the quality and number of NGOs and what they can bring to the table.

The other observation I wanted to make quickly and to open for discussion as well, if possible, is about what the contributions so far have thrown up. In particular, if I can pick up on the comments of the commissioner and also Dr Blagg and Mr Jeffries, there is this issue about the structure of programs. I understand the point that you do not necessarily want to have a piecemeal approach, but at the same time you want to allow for local input and sometimes you want to move quickly on issues if you believe that people who have come into particular areas have a good idea that is worth supporting. I guess the challenge is: how do you allow for local input that works quickly or that you can mobilise quickly given that traditionally—it is not a criticism; it is understandable—governments are accountable for whether or not programs have been successful based on the amount of investment that has been put in? They want to be sure that something is going to work, so that takes time, but sometimes you lose a whole period of time in being able to address things quickly and with effective local input. So I guess it is a policy challenge for government in this area: how do you move quickly to be able to engage local input and do it in such a way that, as you are making the point, there is a degree of flexibility? It is something I just put out there for discussion, because I think it is probably something we will follow up on in our recommendations. I notice there is some consideration about how we coordinate amongst government on it.

Mr Jeffries—Can I just quickly add to that. When local people are engaged in the design of projects and programs in their communities, they often work better and achieve better outcomes. If it is something that comes in from the outside, it is seen as an imposition. If they are disconnected from the process in the first place, it does not work as well.

CHAIR—I want to move on. Dr Stone talked about issues with relation to Indigenous women, but before we do that I am interested, while we are on the legal side of things, in your evidence, Mr Grant, in relation to pre-sentencing options and the program in New South Wales that you think worked well but only in one location in New South Wales—whether that could be rolled out as a template or model.

Assistant Commissioner Grant—Perhaps we can just take a step back from the things that work and say that there is a very big body of evidence in the correctional literature around things that do and do not work. One of the really big risks of talking about intuitive programs and programs that have community support is that it is also really important not to abandon rigour in the way that we deal with things. The history of corrections is replete with examples of complete failures over hundreds of years. We spend \$2½ billion on corrections in Australia. In New South Wales we spend over \$1 billion on corrections. We have nationally a return-to-prison rate of over

40 per cent. If you look at Aboriginal men in jail, in New South Wales 62 per cent of young Aboriginal men under the age of 25 will be back in jail within two years.

So one of the really important lessons that have emerged from corrections is that commonsensical approaches—the things that people have thought were really important—can often be a complete waste of money. The best example of that really is the emphasis that was placed on the importance of self-esteem, which was really the core of correctional programming for, probably, the 50 years before the last 10 years—making people feel good about themselves and seeing that as a way to engage people in the world. All that people found with that was that you produce a better adjusted criminal. So one of the really important things with working with people in the justice sector is to ensure that there is some rigour in the approach and it is not just about a feel-good response.

The key message that has emerged in that literature, as someone else was alluding to, is that it is not just the scale of the programs but also the intensity of the programs. If you have a person with serious, complex issues, you are not going to resolve that through an experiential workshop that lasts for two weekends, giving people a great time, or a mentor who is with someone for three months and not longer than that. I think the duration and the intensity of interventions is really important, along with approaching this incredibly complex issue with a degree of rigour. As I said, we have had years of doing things that are a complete waste of money. I think you were alluding to the evidence I gave the last time about alternatives—

CHAIR—Better access to pre-sentencing options in New South Wales.

Assistant Commissioner Grant—Basically, what we know is that incarceration, if I can build this argument a bit, is a very expensive option. If you are spending more than \$200 per day on someone in jail, the bulk of that is on the detention cost. Then you spend a lot of money managing the negative impacts of incarceration. Incarceration of itself is deleterious and you create harm to people, basically, by removing them from their community and social support. So you have to put a lot of investment into things that are just about minimising those impacts before you can actually do the things that might bring about a change in that person. Therefore there is a logic to shifting the emphasis of expenditure. Given that the significant number of people in jail are not going to be a harm to the community, if you can manage those people safely in a community environment then you can invest the money more wisely that you would have spent on minimising the impact of incarceration, just supervising people in interventions that do work.

With regard to interventions, people have mentioned all the things that are important here today—things around education, drug and alcohol use, intergenerational things around parenting and the importance of parenting programs. I think Kath was mentioning the high proportion of people in custody who have been removed from their families by the state but also people whose parents have been in custody before. There are opportunities to intervene, to have long-term impacts on people. The best place to do that, where possible, is in the community, and we have got a couple of working examples of that. The best one that we have running, which I think is a really good model, is the program we have in Tabulam in northern New South Wales. It was developed as an alternative to a program that was regarded as being successful in western New South Wales, which was called the Yetta Dhinnakal program, where young Aboriginal men were sent to avoid coming into full-time custody. Notwithstanding the fact that they were avoiding

full-time custody, they were still in custody. They were removed from the community to some degree. Whereas the project in Tabulam is around keeping people in their communities, involving the community in the program and focusing on these fundamental issues around employment, on drug and alcohol use and so on.

An important thing that should not be forgotten and that is very clear in the correctional literature is that people do develop entrenched antisocial thinking, and therefore working with the way people think and the effectiveness of cognitive behavioural therapy should not be overstated. It is one thing to give someone vocational skill, but if the person still cannot deal with working with other people and taking instruction and communicating effectively and solving problems then all those vocational skills are a waste of time. You need a very well-integrated package of intervention for people that is individualised, that is based on an appropriate risk and needs assessment, and those are around, and you also need to ensure that whatever is done is actually evaluated to make sure we are not wasting money. In Australia, unfortunately, in the correctional regime there are very few evaluations of Aboriginal focus programs and their outcomes and their benefits. We have basically imported North American programs. We have applied those. It is quite possible a lot of those programs will be effective in New South Wales at any rate. We would argue we have done some work on that, but they are probably not at all applicable in the Northern Territory and other places like that.

My strongest argument would be for rigour in the way we do our work, not investing money in tokenistic, short-term programs. There needs to be an appropriate level of intensity in programming that matches the complexity of people's problems. We can be very superficial and we can feel good about something we are doing but it will not actually produce the change we want unless we have regard to those issues.

Mr Phillips—Just to add to that, I do agree with a lot of what you are saying, but our people have been experimented on for a long time. We have tried a lot of different theories. What we are saying is that we are actually in the community, and we are asking for a bottom-up approach here. We are asking for the strengths of our own communities to be the guiding light. Let's take what is there. There are people within the community who can help build a better future for a lot of our kids. They can make it influential. That is the key to it, because if it becomes influential within our communities it is something they want to be part of and that they will share. It is about the ownership. The ownership of this whole belief and moving forward is the key to it. I am an advocate for mentoring, but it is capacity building within communities and families that is so important.

You have mentioned education. I know a lot of kids with great families, who have parents who did not have a great time at school. The parents want to be able to encourage their kids to do things but they find simple little practical things where they cannot contribute, and sometimes that breaks down. I know kids around our area and from other areas who get to 17 or 18 years old—they have gone all the way through school—and still lack numeracy and literacy skills.

I want this to come across right. Even in our discussion here—the way this is balanced—we have to start from here and go up. Let's say that this level, up here, is where the bureaucracy is. If we can work from that end down we will get some results. We are not going to change the world—there is no magic wand—but we need to have an approach that is truly empowering.

That empowerment needs to start within our own communities. Local solutions will work. Let's make them.

I would be so bold as to say, 'Test it somewhere.' Test it with a target group of people that you know are having a go, who want to do something for their own community. See the results around a group of kids that you know have been re-offending or are regular offenders. I really believe that you will see a result.

Ms GRIERSON—I would like to make a comment on that. I always believed that working from the ground up worked well but I had an experience in Yuendumu, where I was the only woman on an inquiry. I talked with the women separately and then went back with the men and found that we could have been in two entirely different communities. That destroyed my faith in that a little bit. That is really difficult for me.

You talk about a coordination model and you ask for some ongoing funding where you can make some of those decisions but now I always think: 'Well who's going to make those decisions? Is there going to be any equity in making those decisions? Is there going to be accountability? Is it really going to suit the whole community?' How are you going to manage that best? We talk about giving self-determination—where you have a bucket of funds that you have some autonomy over, where you can coordinate lots of programs and say, 'I want to put a bit more into that and a bit less into that'—but I need to know that those decisions are based on real things and will have real outcomes that are supported by everyone. That is my difficulty.

Mr Phillips—My argument is not based on money. It is based on empowerment. It is based totally on empowerment. Let's say there are 20 communities like Yuendumu around the country; you will find that there are a lot of communities that will engage in this. That engagement will create a belief in what is happening. There will be positive influences within our own communities; their own networks will talk about it. It will allow opportunities for it to happen.

I do not have a magic wand for Yuendumu—none of us here does—but if we were to find some people out there and spend a little bit of time, we would find a group of people who would be totally into working for their community. I know a mob of them out there who want to see great things happening in their community but at the moment the intervention does not feed what they are doing. There are a few things that could make a big difference in Yuendumu.

I know that in Redfern and around here—and probably in a lot of New South Wales—what we are saying would make a difference. It is totally based on capacity building and influence. Generational change is what we need. We are in a state of emergency. We cannot afford any more experiments. We need something that we know is substantial and will work over a couple of generations and will build and feed upon itself.

CHAIR—We are going to have a break now. When we come back we are going to address issues in relation to women and incarceration and we will hear from those we have not heard from as yet.

Proceedings suspended from 10.34 am to 10.57 am

CHAIR—We are ready to resume. Mrs Griggs.

Mrs GRIGGS—I do not think there is any doubt that the Northern Territory is different. There is a uniqueness about it. There has been some talk about education and how it is a contributing factor. Sue and Grahame, I was wondering if you would be prepared to share some of your views on how education can contribute to mitigating the issues we are experiencing in the Northern Territory, both in a remote rural community and in an urban sense.

Assistant Commissioner Kelly—Thank you. School attendance is a critical problem. In many places, it is very low. Strangely enough, a lot of the work that the police do in many remote communities is around trying to get kids to school. I go back to the strategic intervention model: if we can get kids to school, then there is a fair chance we can prevent them from engaging in criminal behaviour later on.

One of the difficult things about that is getting the community and parents to understand the importance of education, what that means and what it means for their children. If parents are not employed, do not have any prospect of employment and have not had education themselves, then very often they do not see the importance of it and, therefore, do not take steps to make sure their kids go to school. There are obviously a whole lot of substance abuse and violence issues underlying some of those attitudes.

That said, there are some pretty interesting examples of how the parents can take control and make a difference. Borroloola is a good example of it. The community was having a lot of problems. We experienced a domestic related homicide. We put in place a structure that involved the local community people and all of the governmental agencies, led by the police, to try and problem-solve what was going on in the place. The community's primary issue was the youth and their being out of control, so some steps were put in place to get the kids to school as part of the solution. All the different agencies contributed to the solution, as did groups of parents who went and visited town camps and encouraged parents to send their kids to school to try and resolve some of the wider problems in the community. That resulted in the principal of the school having a significant increase in his school population, which led to some problems. Some of these kids were people who had not been at school and were a bit wild and unable to behave appropriately, and it resulted in disputes and some of the family frictions and so on. The solution to that was for the parents to actually take control of the kids in the playground, resolving disputes and trying to teach the kids about how they should behave. We have placed an Indigenous Aboriginal community police officer pretty much permanently attached to the school to support that work. But, as the principal says, it is a problem that he is really pleased to have, because he has kids at school.

So there are good examples of how some of those things can work, and I guess the challenge for us is to establish frameworks for people to work against but still give them the flexibility to operate according to what the local need is. The community/multi-agency approach, or what we are generally calling the community tasking and coordination group with all of the agencies and the local people, is a mechanism to do that, and that is something that we have piloted in a number of communities, Borroloola being one of them. We have found it to be extraordinarily successful in a whole range of areas, and we will see that rolled out in a lot of our communities over the next couple of years. If you do not have education, you do not have much chance of getting to do a lot of things in life. The challenge for us is to get the kids into the schools, get them to understand the benefits that they can derive from it and give them the opportunities to get somewhere with it.

CHAIR—Sue, in your role as chief magistrate in the Northern Territory, what is your observation in terms of education and the importance of how we can do that better and impact on this issue?

Ms Oliver—A lot of the young offenders that we see are totally disengaged from education. We see 12-, 13- and 14-year-olds who have not been to school for two or three years or not been to school at all, or we see a report that says they have been to school one day in the last year. Making orders that that young person is to go to school is almost always ineffective, for a number of reasons. One is something that Brenda, who is a social worker, said to me many years ago: if you are going to make orders telling a young person to go to school, you need to ask who is going to get them up in the morning and get them there. I think that what all parents know is that children require a lot of push, very often, to get them off to school in the morning. So, if you have parents who either are not interested in education because it has not formed any part of their background or—and I think this is a relatively common occurrence—are pretty well asleep in the mornings because of the use of substances or alcohol, there actually is no-one to get that young person off to school. So, by the time the courts see them at 12, 13 or 14, they are disengaged from education. You try to get them back into a regular high school and they react badly to that because they do not feel good about themselves because they are really struggling to understand and learn. Sometimes the effect of that is that they are then suspended from the school for bad behaviour, which achieves absolutely nothing at all.

I think there are a number of issues there. We need to address the issue of better parenting skills, addressing the issues that those children's parents have. Substance abuse I think is very problematic in remote communities, in particular in the Northern Territory, because the rehabilitation facilities just are not there on the ground to offer people that sort of assistance. We need to create a better alternative education model to get young people re-engaged in education in a meaningful way. I suppose I would endorse Shane. I think it is time to move past the idea that you put a lad into a trade. We need to be trying to engage these young people in understanding that they do have a future and that they can achieve anything if they are given the tools to do that.

Assistant Commissioner Grant—Can I just reinforce one of the points about education. A lot of the emphasis on attendance patterns is about the roles of families. In fact one of the things that Sue mentioned that is equally relevant is the high rate of expulsion of Aboriginal kids from school. In New South Wales 70 per cent of young men in jail have not completed year 10 and about 43 per cent of them, which is an extraordinary figure, have been expelled at least once from school. A lot of them have been expelled more than once. The irony is that the people who most need to be retained in schools and be supported by schools are the ones who get expelled and the ones who really should be continuing. So some sort of resilience in schools—and it is easy to say that; I am not working in a school—for people who engage in behavioural disorders and some better alternative to expelling people from school are really necessary.

CHAIR—Before we hand over to Sharman and talk about issues for Indigenous women, Harry, you have covered a lot of areas in social research. What is your observation of the importance of education, the issue raised by Natasha?

Dr Blagg—Education is central to the whole issue, really. The point Barry made earlier was a good one, in the sense that the criminal justice system is picking up cases way after the problem

has begun, and often we are probably the people least capable of fixing those problems. Often at these forums you do not see anybody from the education system or from housing or from some of the other key agencies—I think health, too—which really shape young people.

I realise that the education system has particular problems in relation to retaining Indigenous youth, and it can easily extend into a bashing exercise. I think that it is a difficult ask in many respects. I am sure there are around the room some really interesting local models about how there has been partnership, particularly between Aboriginal agencies, local community groups and the education system, to keep kids in school. In the Northern Territory, in parts of Arnhem Land, I know that younger people have been doing some interesting things which have been about trying to bring Aboriginal culture a little bit into the school as a means of keeping kids in the school. I think it has been a big mistake to try and eradicate Aboriginal language and culture in the education system. That has been tried, and I do not think that is a good basis.

Again it comes back to this thing about partnership. When we set up the juvenile justice teams in Western Australia we tried to have it so there had to be an education worker on each of the juvenile justice teams. That did not occur in most instances, and Education said, ‘That’s not our problem. That’s not what we do.’ I think it was tried in the pilots but never really got through to the things that were put in law, and I think that was a serious mistake.

There are important things that you can do—and, again, the Northern Territory does them quite well. There are breakfast programs in the schools here. You have to break down the barriers between the welfare needs of these children and their educational needs. It is not fine to say, ‘We just do education.’ That is not going to work. We have to be prepared to embrace holistically the welfare needs of the child when they are in school. That could involve getting them to school. I know of some good community night patrols that already do that kind of thing. In the past been they have funded to get Aboriginal kids to school. You get a breakfast program in there; you bring health and other agencies into the school; and you invite the community in as much as possible. Again, at a local level, that does work in some places. It is not rocket science.

CHAIR—Barry has a question in relation to education.

Mr HAASE—Thanks, Chair. I believe the elephant in the room is another aspect of intervention. There has been much debate for and against intervention. There is a suggestion out there that the problem in getting children to school is a parental one. The lack of that motivation, interest or whatever to get children to school is driven by many factors—usually negative experience, no experience with school, no value for schooling and no value for work because there is a despair about work. We have many agencies whose responsibility it is to intervene where parental care is missing in the raising of children. We have a system of law where adults are responsible for children. All children necessarily fall under the responsibility of someone, somewhere—and the welfare system recognises that. Ought we have more intervention in relation to child protection—it is a term that describes the extreme end of neglect—and should there be some connectivity between the welfare system and the responsibility of parents to attend to their children’s schooling in motivating them and doing the physical things necessary to get them to school? I would very much like to hear a point of view in that regard.

Ms McFarlane—Could I comment on that in terms of New South Wales only. We recently had some legislation introduced, which Magistrate Baptie might want to speak about, in terms of

education orders, truancy orders, that could be made against parents in the Children's Court. So the parents themselves come to court and get a fine. I think that is the only possible option, which sort of defeats the purpose. A lot of those people are not in a position to pay the fines anyway.

I thought what you were saying about the welfare connection was really interesting. The legislation excluded the Department of Community Services, which has responsibility for the vast majority of children who are obviously in out-of-home care, from being held liable for those children's failure to attend school or the non-government agencies for their failure to ensure that children in their care attended school. The only figures that are available Australia-wide are from Victoria, where they do publish some statistics on the suspension and exclusion from school figures for Indigenous and non-Indigenous children in out-of-home care. Some years ago, attempts were made in New South Wales to get that sort of data produced so that we could say: 'Are Indigenous children being excluded or suspended more often than other children, and for what reason? Are children in care being excluded for the same sorts of reasons?' But those figures have never been made public. Victoria is the only one that produces this information. You can see how well the state agency, which has responsibility for ensuring children in its care go to school, performs versus everybody else. So I think we need to be a bit careful about the way that the state or its agencies, when they assume responsibility for children, are not held accountable or that there is no information that you can judge how well they are doing their job. It is not just the parents; it is what happens when we get them as well.

CHAIR—Ed wants to ask a question in relation to education and Indigenous languages.

Mr HUSIC—I want to ask about this because of a comment made by Dr Blagg. There is an argument that says that we should prioritise the learning of English and that that should be the biggest focus. I declare my interest. Most people will tell you that kids pick up languages really quickly. I think you can teach both languages concurrently. But I was interested to hear your comment that there was an impact from removing the teaching of Aboriginal language, heritage and culture in schools. I was hoping that you could elaborate on that further. Is there evidence that you can provide?

Dr Blagg—I cannot produce any research on that; it is fairly anecdotal. Just from talking to people in Aboriginal communities, I think there is a powerful feeling within them generally—and I know that is a massive generalisation—to strengthen culture and to strengthen people's identity as Aboriginal people. That does not conflict, I do not think, with being an Australian—I think it is a stretch of the imagination. I think part of it is that children who have a sense of their own cultural security are going to feel more secure in those environments.

One education worker in Yuendumu said to me that they always tell people from outside the community who come in: 'For these kids, imagine if every day you got up and you went to the moon.' It is bit like that for a lot of these kids going to the local school because it is so culturally alien to them. There are all those disconnects between the experience of their families and their communities and this place where they go to every day. The more you can bridge that divide by bringing culture in is, I think, a win-win. As you say, children absorb languages fairly well. I think it is a very Anglo way of looking at the world—one language; that is all we have room for in our heads. If you learn another one, somehow it is going to do something serious to your

brain. But that is not the way most of the world looks at languages. Most of the world can happily speak two, three or four languages.

CHAIR—The Welsh and the Irish.

Dr Blagg—We meet people for whom English is a fourth language and find that they speak fairly good English.

Mrs GRIGGS—Dr Blagg, in your initial discussion about getting the children to school, you talked about Yuendumu. You missed some of the other examples that we had, such as Borroloola. You say that you have been to lots of different communities. I am interested to know whether the issues in the Northern Territory are the same as those in Queensland, New South Wales and Victoria. I have spent my whole life in the Territory, so I only know the Territory. Are these issues the same everywhere? Education has been identified as a key issue to Aboriginal children being involved in the justice system. How can we get these kids to school? I am interested in your comments, and I am interested in other people's comment as well.

Dr Blagg—I mentioned a few examples, such as maybe engaging people in the Aboriginal community, like the community patrol, to do some of the work in picking kids up. A breakfast program is, I think, excellent. That is not just something—

Mrs GRIGGS—Those things are already happening in the Territory and we have still got the issue of kids not going to school. How do we get the kids to school?

Dr Blagg—It is going to be a slow process. I do not think it is going to be something where there is a program or a magic bullet that will do it, because the alienation runs very deep. It is not something that affects just a few marginal children whom we can have a discrete program for. It is an easy one for an academic to use, but I think it is systemic. It is really a profound alienation that not just Aboriginal people in rural and remote communities have. There is a powerful sense of alienation from our mainstream structures for a whole lot of historical factors. That sense or feeling of marginalisation is one that is experienced in urban as well as rural and remote communities; it would be more extreme in remote communities. The solutions are long term and incremental, but I think they come back to what we started talking about this morning, which is: how can we strengthen and build up Aboriginal culture?

Mr PERRETT—This is a bit of a dorothy dixer question, Chair, but we are politicians. I want to ask Commissioner Atkinson about some of the trials up in north Queensland—I know the police have been involved with the other Queensland government agencies—and ask how that is going.

Mr Atkinson—Thank you for the question. I acknowledge Mr David Glasgow, who is at the back of the room, who heads up the Family Responsibilities Commission in Queensland and will be in this afternoon's session. I feel sure that he will be able to comment very helpfully in this space. Thank you for the chance to say a few things.

Can I just talk about Aurukun for a minute. It is, I think, probably almost the opposite of that unfortunate circumstance that you are familiar with, sir. I was there recently. One class that we sat in on had about 12 children, two teachers and a local Indigenous woman who was a teacher's

aide—so three adults with 12 children, a very, very respectful appreciation of Indigenous culture. I came away from there feeling fairly confident and positive. Together with this, there is a focus clearly on an education that will get people a job, so the basics: English, maths and IT skills. It is fine to do all the things that are nice, but that is not going to get you a job in the real world, so that is the focus.

I really do support the concept of the second language and the Indigenous culture, but in my humble view that has to be done with community engagement. That cannot be done from by teachers from Brisbane in Aurukun. The community have to be part of that. If that happens after school, that is wonderful. If that is between five and six, that is great.

I really do support the idea of nutrition. One of the things that they do at the Mornington Island PCYC, which is in the school grounds, is give children breakfast and, if need be, lunch. I know there is a philosophical debate about that—that that is the responsibility of parents and not the state—but it is no good kids going to school hungry, because by 10 o'clock they are ravenous, they cannot concentrate and they will play up or fall asleep. It is the same with lunch. They have to have meals. I think that is important too.

In a perfect world, I would like to see a male and a female police officer in every school where there is a large Indigenous population as permanent school based police officers. That is probably unrealistic, but at the very least we should have an adopt-a-cop who goes there regularly.

There is another issue, and we will do a submission separately on this. It is a really important point about those children who get expelled and who are at the sharp, hard end. We have a program running at the moment in Inala for those kids. I do not know how successful it will be, but it is well worth a try. It is being run by our local superintendent, a woman named Tonia Carew. She has engaged the education department, the Police-Citizens Youth Club and the Edmund Rice Foundation, and they have 15 of these kids who have been expelled and will never be accepted back in a school. What they are trying to do is get them an education and a job. But I agree that the traditional school environment for these kids is never going to work. We will do a submission on that, but it is at its early stages. Unless there was something specific, that is probably all I have at this stage.

Dr Blagg—Can I just make a point about this thing about parents and children. It is just a quick illustration. We tend to assume that the parents are somehow okay but they are just not doing anything for their own kids. When you look at many Aboriginal families and communities, you see that that is just not the case. There is an interesting example from the Pilbara a couple of years ago, where Rio Tinto were getting Aboriginal people into work and finding that, when they came to work in the morning, they had had nothing to eat—so it is not just the kids. So they have introduced a kind of breakfast program as well.

It is not often just the children in these families who are struggling; it is the family as a whole. I have seen so many instances of that where Aboriginal people who might otherwise fit into the workforce themselves struggle with all these basic things about nutrition, cognitive skills issues or going back to environments of family violence or where there is a lot of humbugging and violence and that stuff. I think it is a mistake to just isolate the children in this debate about education. It is not just about the kids; it goes back to the whole complex of issues that many

communities and families have. We cannot just go on trying to look at one of those issues in isolation—such as ‘it is about educating the kids’—if we are not working with the families.

Dr STONE—I do not think we are doing that, Dr Blagg, but I think it is important. I will just throw in an example of Echuca, where we employed a person whom I suppose you could call a truancy officer, but that is not the term that was used. That person was engaged full time in locating the Koori kids who were not at school by a certain time, and that often meant going to a number of houses to find where the child was. They had uniforms with them so that they could put the child in clean clothing and uniform. They then had breakfast, and the child was often taken home at the end of the day as well. That worked brilliantly in terms of building relationships with the family of that child too and with the school. The kids’ academic progress was amazing to track. Unfortunately, it was a 12-month program pilot to be handed over to the state. The state did not pick it up; end of story. Too often that is the example, but it can be done. In that situation, those children had come from a little primary school at Barmah. They were three years behind their grade levels. They were picked up and it was very good.

CHAIR—Bob, you have something else to add, and then I think we might give John and Michael, who have been sitting there patiently without making any contribution, the opportunity to make some contribution.

Mr Atkinson—Forgive me, there was a really important point I forgot. Health is a key issue here too: hearing, eyesight, teeth—

Dr STONE—Foetal alcohol syndrome.

Mr Atkinson—Well, yes, unfortunately it is too late with that, isn’t it. That is prevention in terms of—

Dr STONE—But we need to know, if the child in fact has that condition, that they will need a totally different set of learning and support programs, and that is one of our problems right now.

Mr Atkinson—I am not being pessimistic, but, sadly, children who suffer from foetal alcohol syndrome are enormously disadvantaged from day one. Part of the difficulty with that can be the privacy consent issues. If we are going to do some radical things, they might be to look at the privacy issues and the treatment issues, because it is something that just really needs to happen. There can be incredible frustrations with that. I do not have the solution there, but, for a child who needs dental treatment that is available but cannot be given because they have not got a signed parental consent form, that is incredibly frustrating for people.

CHAIR—We have heard from lots of different states. We have not heard from Western Australia, of course, but Michael finally got here!

Supt Emmanuel—Thank you, Mr Chair. We have been working very closely with education departments. This issue of educating this cohort of children is very dear to our hearts, because it seems to me that, on every page you turn in the literature, every example you are given of best practice, the best way or a better way to deal with these children is to get them educated. It is interesting because we partner with Education. I have a peer in Education who has a statewide responsibility, as I do. The interesting thing about that is that police pick the children up off the

streets and then we deliver them to a teacher. In this particular case, we are running a project in Gosnells, so we deliver to two specialist teachers these children who are literally straight off the streets, who have not been to school in years, who are totally illiterate and who have a whole range of issues. They are not ready for education, so this issue of getting the kids to school is really about four or five points down the line of where we need to be.

We need to come back to the point of engaging these children, engaging their families—these are the things that are coming out of our work in Gosnells—and then bringing the proper professional interventions in place in priority order. The psychologists tell me that that is absolutely core to the answers. If it is not coordinated and brought in in priority order, we are wasting our time. The sciences exist, the professions exist, and each of the government departments has those available resources and professionals. I reiterate points raised by both the Chief Justice and the President of the Children’s Court in Western Australia when they gave evidence in March: government agencies continue to work in silos, and that goes to the core of why we are here today discussing this very issue. It probably goes to the heart of why it is that in real terms we are getting worse, not better.

My view is that what we are learning in Gosnells—and in other areas too, but particularly in Gosnells because we have a close focus on this cohort of children—is that we need to bring the government agencies together. Education and the police are prepared to lead that. I want to talk about core business too, because that goes to the heart of one of our most serious problems.

But we have spoken to the requisite professionals, those who have the skills and the people to do the job, and I am going to talk about two in particular. One is Professor Steve Houghton at the University of Western Australia, who specialises in this type of cohort of children. They assess the children and then they categorise them according to what needs to be done and in what order. Then there is Mr Mark Porter from the Department of Health. By the way, I have to say that the health department, as big as it is, could be better coordinated in terms of what I am talking about. But Mark Porter certainly is a champion. He is in charge of the multisystemic therapy program, a program that is absolutely critical. It is recognised as world’s best practice. We have the people, we have the professionals; we just need to bring them into our program at the right time.

I mentioned ‘core business’ before. It is my early experience, after only 12 months of looking at this, that ‘core business’ is the term used by government agencies to pass the buck. I am glad I can see some smiling faces around this table, because this absolutely goes to the heart of our problems. A child not at school is the education department’s problem; a child with hearing or other health problems is the health department’s problem. In my view and the view of many others I have spoken to, that attitude places these children and their families at risk, and at-risk children and at-risk families are the core business of every government agency. That is how we need to see this so that we do not pass the buck—and we should not pass the buck.

Finally, at the risk of saying too much here, my view is that the one thing that is missing in bringing all the government agencies together is senior bureaucrats being held accountable for bringing those agencies together and for stating the outcomes that need to be achieved, not least of which is what I just said about coordinating resources on the ground for the very cohort of kids that are in the palms of our hands on a daily basis.

So we are collecting these children. We know who they are—we know the kids that are missing from school—and we should be working on them, in the right order of priorities. This concept of strategic intervention is absolutely critical. I agree with everything that was said by my colleague from the Northern Territory, Grahame Kelly. The reality is that we need to be working on these families and working on these children even before they are born but certainly from the early years.

CHAIR—John, we have heard from police officers and from magistrates, but I would like to hear from you as a lawyer at the coalface, from your experience as Chief Legal Officer for the Aboriginal Legal Service (NSW/ACT). You have lived and breathed this stuff year after year. I would like to hear from you about diversionary programs and legal aid as well, as an issue that that has been raised in previous evidence, and also pre-sentencing options.

Mr McKenzie—Thank you, Chair. I think, in summary, the No. 1 rule is not to try and diversify or particularise what the problem is. Education is part of the problem. Health is part of the problem. But, time and again, the fundamental mistake that I have seen made for 30 years now is that governments and policymakers think, ‘We’ll just take this segment because that is all we can work on at the moment,’ and they work on education or that part of health or that part of housing. We have to be treating not only the child as a whole individual but also the family and the community within which they live. I think there are two basic directions in which we as a society need to move to fix what is undoubtedly an emergency issue.

I myself now, unfortunately, have had a number of instances of representing the grandchildren of clients of mine who were young adults in the 1980s when I started. When I see the generational repetition that has happened by all governments of Australia at all levels I can only ask: does anyone really care? It has been 20 years now since the royal commission into Aboriginal deaths in custody released its final report. I worked as a staff member on the royal commission. It is immensely sad for me to be still here trying to work out how we can fix the problem, which has only gotten worse every day in the 20 years since then.

The royal commission came up with a flurry of publicity that there was a concern that Aboriginal prisoners were being perhaps picked out and killed or denied proper treatment and dying at a higher rate than non-Aboriginal prisoners. That was put to bed early on in the royal commission. The whole point of the royal commission was that we had an emerging problem of far too many Aboriginal people going to jail and being locked up. What has happened in the 20 years since? We have broken all records in increasing those rates.

We need to be addressing the kids and the adults who go into custody with structured programs. The earlier the intervention for those people the better, but for a lot of them already in our criminal justice system early intervention is a farce—obviously, it cannot work. We know that that cohort of people is the most damaged in our society. Anyone who has done any work in police, jails and courts knows that the people trawling through our criminal justice system are the ones who need the most help. Yet so often they are the ones given the least amount of help. We send them to jail. When we release them from jail they are lucky if they get a train fare home.

We in the Aboriginal legal service see in that crucial first six months post-release that so many of these people are left on their own. I say there has to be a whole lot more government policy

work in the provision of services to that targeted group, both the kids and the adults who we lock up. But that is not enough because that is only one half of the problem and one half of the answer. The other half is we have seriously got to boost and give greater resources and autonomy, if you like, to the communities to which all those people will return upon release. We are not yet at the stage of locking everyone away for life or transporting them to the Antarctic. The vast majority of them are going to get released—there is a very small number who will not.

You can do the best rehabilitative effort in the world while you have them in your care in an institution but if they go back to a community and a family that is in despair and does not have resources, in which there is hopelessness and in which there is not due regard for education, health and fitness then that person is more than likely going to fail. All the effort that all of the agencies around this table put in whilst they were in the criminal justice system will have come to naught because the community they go back to is actually reproducing the circumstances in which the person initially got into the offending.

Let us not pretend you can do one and not the other. Let us not pretend that you can look at health and not education. Let us get serious about this and actually realise that there are solutions. My friend on the right of me is exactly right. To hear that governments are still operating in silos is tragic. How 200 centuries ago is that? It is ridiculous.

The initial question was: why are we here? I know for a fact from research done in New South Wales—and I can talk on this point only for New South Wales, but everything else I say relates to the rest of Australia because I have not only worked in New South Wales—that the increasing rate of Aboriginal imprisonment is not because Aboriginal people are committing any more offences. We have statistics to show that that is not the case. BOCSAR, the Bureau of Crime Statistics and Research, put out a paper 12 months ago debunking that myth. The reason why there is that increasing rate is the way society, through our courts and criminal justice system, are treating the people doing the same number of offences they were 20 years ago.

We have had state governments run law-and-order campaign after campaign, with every state election, and every time they ratchet it up—make it harder to get bail or give longer for this sentence or longer for that sentence—the Aboriginal people are always, without question, the ones who wear the biggest deficiency out of that, the ones who bear the biggest impact. Until we get to a stage where governments say, ‘We are running a system that is criminalising what it means to live an Aboriginal life at the moment,’ then we are not really being serious.

One other point: we have talked about turnover of good people in remote areas. I have a number of really good lawyers and really good field officers who work in some of the most remote parts of New South Wales—I know that is not remote compared to Western Australia or other parts, but it gets remote when you get out past Bourke and Broken Hill, I can tell you—and I find it incredibly sad to hear anyone say, ‘You cannot expect good people to stay out there for a long period of time.’ I do not believe it, I do not accept it and I never have. You need to set up a system where those people can have some defined times in the really remote communities, but do not then leave for good. You need to involve them in a regional perspective, so that they go back to the service centre nearest to that remote community, keeping a connection not only with the people but also with the issues, the climate and the geography of the area, and then be prepared to go back in for another stint, so that you do not lose those people. That is what we do in the Aboriginal Legal Service.

We know that young, good, keen, energetic criminal lawyers will burn out if you just leave them out there. So we inculcate a regional identity into them. Dubbo is our major hub for this. We will send them out to the remote towns, like Bourke, Walgett and Broken Hill, with a guaranteed back in to Dubbo, where they can come for another 12 months. But we keep them within the region, within the mentality: 'I'm working in this particular region.' That is so important with Aboriginal issues because, as a lot of people have said here today, although Aboriginal people have lots of similarities across the country, there are differences in every different region. And if you want to address these issues, you get the good people regionally committed and you keep them in the region.

CHAIR—What about the issue of legal services and legal aid with respect to carrying the case load?

Mr McKenzie—I do not think it is any secret—I am sure all of the members of parliament around here would know—that all Aboriginal Legal Services only receive federal funds. The state governments will not—though we have tried very hard to get them to—fund Aboriginal legal aid services. So we are wholly dependent upon federal funds.

These are rough figures, but we do very similar work—but in much more trying and culturally challenging circumstances—to that done by the lawyers in the state legal aid commissions in what is called mainstream legal aid. But our staff are paid, going on the latest survey in New South Wales, on average, 30 per cent less—I am not talking about \$30 or \$300; I am talking about 30 per cent less in terms of gross salary—than comparable lawyers and paralegal staff in the mainstream legal aid commissions. Yet we work just as hard if not harder than them, I can assure you—and I make sure that our lawyers do.

We only get committed people, because you cannot come to the ALS and work for the money when you know that you could go elsewhere and do the same amount of work and get 30 per cent more. We have a real problem in being able to keep our best and brightest, and sometimes we can only keep them for a couple of years. That is a real funding issue. But I do not want to turn this into a plea for money. I think there are more fundamental issues about the communities and how governments resource the communities that we work with, but absolutely appreciate the chance to air my concern about our funding.

CHAIR—Sharman, your issues related to Indigenous women.

Dr STONE—That is right. As we know, Indigenous women are overrepresented as victims of crime, especially in family violence and as victims of assault. And, increasingly, we understand, women, especially younger women, are liable to find themselves jailed for offending. We know the majority of people working in communities as law enforcement officers are male, particularly in remoter communities. There is a bit more balance when it comes to lawyers.

I was speaking to you briefly, our superintendent from Redfern, about the different ways now that young Indigenous women are experiencing the whole business of their lives and coming up against law enforcement agencies and imprisonment. What can we do? Are there any examples of different programs? Why are more Indigenous women and girls being charged with offences?

I mentioned foetal alcohol syndrome before. I know we are going to have evidence this afternoon, but is the business of alcohol and drugs behind some of these different offending patterns now? Can you give us some information about how we can deal with it? I know it is not just the Indigenous community, of course; across mainstream Australia we have more women being caught up in the business of corrections and being in custody for offending, so I am not suggesting it is just Indigenous communities. What can you tell us about the gender differences between men and women in Indigenous communities and how we can do better in terms of young girls and women and how they end up with experience—

CHAIR—Luke, you could speak from your fund of experience in Redfern.

Supt Freudenstein—In Redfern we do not have as much success with the females as we do with the males—and we have tried to work on it for a number of years. It appears here that our females from nine until about 30 become involved in fights and street fights, which the men do not really do, and those fights attract a lot of onlookers. We are very lucky, though, that we have some good community leaders who have been telling me what is going to happen, and we go around and speak to them and warn them of the consequences of fighting.

There are programs that we have put our females on, and a boxing program is not one of them—they are not interested in that. We had a program called a horse-whispering program, where they go out and follow a horse around. If they display a lot of anger, the horse will not go anywhere near them; when they control their anger, the horse will then follow them everywhere. That teaches them that, if you control yourself, the horse will follow you or that you will get better things for yourself.

There are other programs that we are running here at Redfern such as a flower-decoration program, which we have the females on, but I suppose where we have made the most impact is with the sporting groups. We sponsor the sporting groups: the sister girls basketball team and the Redfern All Blacks rugby league team. We attend and watch some of those games, and we are now making sure that we have some recognition on their jerseys and T-shirts in the form of RACAPTIS—Redfern Aboriginal community and police together in sport—and they like the emblem, which is a police hand shaking an Aboriginal hand. They like the colours, and people ask about it.

Some of the girls come on board and they are mentors for us. They are helping to speak to the young girls who are getting involved in these fights. So, again, you see the importance of the mentors, which Shane Phillips spoke about, and I firmly believe that is why we are having so much success at Redfern. There is a specific certificate IV in mentoring program that Shane and his mentors have completed. It has been done in Lismore, where there are 16 mentors, in Byron Bay and in the Northern Territory somewhere. They are a godsend for us as police, because we get them to do some of the things that we cannot do. They get the message across, and that assists us greatly.

CHAIR—This is your bailiwick, isn't it—your area?

Ms McFarlane—We at the women's advisory council for the New South Wales corrective services do not really look at juvenile justice, although I think the distinction is artificial—it should be juvenile justice through to adult corrections, but JJ do not have a group like this as far

as I am aware. One thing we do look at is that, as you mention, the grandchildren of the people who you might have seen 20 or 30 years ago are in the juvenile justice and adult correction system now. Everyone talks about the importance of family reunification and ongoing parenting programs in custody. They talk about the importance of foster kids being brought in by their carers in order to visit their parents, male or female, in custody. They talk about the importance to the child as well as to the woman of improving the chances that they going to have a more law-abiding life on release if you keep those family connections. Yet it is still such a minority of government time and money that is directed towards maintaining those family programs within custody. So, if someone is incarcerated—particularly the mother—there is a very small chance that they are going to be able to have their child live with them in custody, and there are still a lot of impediments to the child visiting them.

Despite improvements in corrections in this area, there are still not enough telephones or visiting hours. Visits are still a privilege rather than a right. The usual things that have been raised forever still happen. As a result, the connections and family relationships that are known to help reduce recidivism occur in spite of the system rather than because the system prioritises that. That means that, if something happens in the family where a child might be in care or in the care of relatives, the mother or father is not able to have ready access to that child, even through just a telephone call to check that things are going all right. So you have all those tensions which add to the burdens of people in custody.

Looking at community areas, there are programs which exist for women and men, but the justification for the current system always seems to be that women are not excluded from community programs. They may not be excluded, but the programs are not suitable and are not designed with the priority being women. If you have female offenders, I cannot understand why you cannot have programs that are specially designed, run by and for females. It is not the case that the women can do male-designed programs; they may not work—some do but some cannot.

There are also impediments in regional areas, as you would be aware. As you were talking about with Bourke and places like that, there just are not any community alternatives. Home detention does not exist on a very large scale, particularly beyond the Newcastle, Wollongong and Sydney metropolitan areas. Periodic detention, which is weekend jail, has now been eliminated. I was executive officer for the organisation's sentencing council, which recommended the elimination of periodic detention. That was because, in part, it was not available in the way that it was meant to have been by design—so that it kept people out of jail by providing options around weekend jail. Women were not being represented in that sufficiently.

The design of a new Intensive Corrections Order, which was specifically set up with the idea of focusing on women, has, because of government intervention, now become different to its original intention. It may still work—I am not saying it will not—but the idea was that people would have access to more community type options rather than being fast-tracked to the corrections system. It also needs to be focused on the impediments to women participating in community programs. These women usually—and this is a generalisation—have child-care responsibilities or responsibility for the care of other dependants, whether that is the husband who does not work, the grandparents, members of the extended family or other people's kids whom they are providing essential care for. All of those family and kinship connections are broken when somebody gets caught up in the judicial system. It is not logical to expect that they

are going to be able to put those responsibilities out of the way in order to focus on doing community service.

Lack of accommodation is another issue. When people come out of custody it is even more pronounced for women because they usually have child-care responsibilities or are trying to get their kids back from DoCS or the family they have been sent to stay with. You cannot get housing unless you have the kids; you cannot get the kids unless you can show you have housing. Also, there were moves a few years ago to extinguish the rights of parents whose children had been removed, based on the American model of permanency planning. That idea in America led to the wholesale removal of children of female prisoners and the age of relinquishment, showing that the parents had lost interest in their children, was exactly the average amount of time that an American woman spent in custody, where they were not able to keep contact with the children. People not writing letters or making phone calls was taken to mean they were not interested in their kids. That has not happened to the same degree in New South Wales, but it is certainly always on the backburner that people in custody are not interested in their children.

When you move into the juvenile justice system, that is even more pronounced because people tend to forget that young girls of 14 to 18 who are in custody will have children as well, and so those connections are even more divorced. That sounds really pessimistic. There are a lot of programs which have been working, but I am in the same situation that John mentioned: I get really sick of giving the same evidence to the same committees when we know that there are things which could work but the focus is always on women and girls fitting into an ordinary model which is not actually ordinary.

Dr STONE—Can I just correct what I said earlier today too about the hostel. I did not observe it in New Zealand; it was Canada. It was the indigenous Canadians.

Ms GRIERSON—Following up on some of those points with you, Mr McKenzie, the last inquiry into the Aboriginal Legal Service did show that very little of the resources were being used to support women in terms of domestic violence and family law and that it was very much the fact that the service was being dominated by criminal offences and keeping people out of jail, which you can understand. Has that changed? Is there a better balance now? Is the service resourced enough to do both?

Mr McKenzie—No, it is not resourced enough to do both. With the escalating and spiralling imprisonment rate we are actually going backwards on that first historic reason for which we came into being. The resourcing is going in the wrong direction for that. At the same time, it is true to say that a number of little services, including ours and New South Wales's, are having to bite the bullet and delete some of our criminal law services so that we can get into the area of children's care and protection, which we see as the highest priority. So that is what we have done in New South Wales. There are a number of courts and areas now we do not service for criminal law representation. We have had to do that in order to be able to get some resources, legal services, lawyers and paralegals working in this really important area. As Katherine was saying, in the out-of-home care situation we know those kids are going to be our clients in the criminal jurisdiction within a matter of sometimes three years and maybe 12. It is really a critical situation whereby there are the continuing dreadful decisions having to be made by those Aboriginal people running the legal services. They have to ask, 'What do we do? Do we try and

stop our brothers, sisters, mothers and fathers going to jail? Or do we write off that generation and put all of our eggs into doing the intervention?' It is an invidious situation that they are in.

Ms GRIERSON—Ms Oliver, just to follow up on cross-agency approaches, the Commonwealth government departments have not been good at that, nor have they been required to do that. But the Northern Territory intervention did require that of them. What is your experience of that? Have there been cross-agency approaches? Is there an improvement? I would like anyone else who has experience to also comment.

Ms Oliver—No, I do not see that that has been good.

Ms GRIERSON—They promised me in an audit committee that they would do it better.

Ms Oliver—I think there is a real lack of coordination of welfare services, education and correctional services. I do not think that we actually have a proper youth justice system in the Northern Territory, because we do not have the specialist agencies and the people with youth specific training across a variety of agencies dealing with young offenders. We were told two years ago that the responsibility for youth corrections would be moved to Children's Services so that that specialisation could be applied. It still has not happened. What a number of people have talked about today is agencies holding on to their own and just not cooperating on the ground. It is extremely frustrating for courts, lawyers and police, I suspect, trying to do something positive for youthful offenders when there is a complete lack of coordination and skilled people supervising them.

Assistant Commissioner Kelly—I can probably come at it from a slightly different perspective to Sue. That is based around what we call a community safety working group. It is a multiagency group that involves all of the agencies. One of the strengths of it is that every agency is represented. There are some people who come and attend the meetings and then might not have any involvement in anything that is going on.

Invariably some people will say, 'There is no point in me being here.' The answer to that is, 'No, there is a point in you being here because you know what is going on and you know what everybody else is involved in and you are in a position to say, "We can help with that issue".' It is a case of bringing information or knowledge about agencies' capacities to the table for coordination. We answer to the CE's coordination committee, a subgroup of social responsibility.

Under the Community Safety Working Group we have established interagency tasking coordination groups in Darwin, Katherine, Alice Springs and Tennant Creek, and we have now got them in some of the remote areas, like Borroloola, and we are working on Maningrida and Wadeye. Again it is about bringing all of the agencies together with key local people to talk about issues, to coordinate our responses to things, identify problems and try to come up with problem-solving plans that use the multi-agency approach. The Community Safety Working Group, with all the Northern Territory government agencies, also has a meeting I think every second month that involves all the Commonwealth agencies as well—FaHCSIA, Centrelink, DoHA, DEEWR. We look at issues that are associated with work that is being done by Commonwealth agencies in the Territory. Again, it is about trying to get that coordination between the agencies.

Ms GRIERSON—Is that at a high level or are you actually getting input from people on the ground?

Assistant Commissioner Kelly—It is a high-level group—around about the deputy level of the agencies. In relation to the Commonwealth representation, for instance, there is Dave Chalmers, the boss of the state office of FaHCSIA in the Territory. There is a strong push around cross-agency working. It is probably fair to say that we are not really experts in this area but it is also fair to say that we have come a long way in the last couple of years.

With respect to youth particularly, in December we had a CSWG meeting around youth. We were trying to identify how we could put some programs in place to take care of a cohort that is not generally looked after by any agency—that is, those people who are floating around the fringe. They are not really involved in criminal behaviour but they are causing anxiety in the community around community housing places and they are gathering in groups at night and generally being boisterous young people, rolling around looking for some mischief to get into. When we talked about how we were going to deal with something like that, no agency had responsibility as the lead agency for that particular cohort. There were some agencies that had some roles in different areas but no-one really could stand there and say, ‘This is our issue; we will take the lead on this.’ So we have taken another step and at one of our CSWG meetings recently we talked about how we can resolve that. We have put some information to the CEOs of all the agencies around what we think is an issue and how we might come up with some solutions to it.

The model that we use has involved establishing in Katherine, for example, a youth ITCG. That group has been very active and they have secured funding around a number of different programs, including education programs with kids in remote areas. They have also secured money for what we call the police rangers program, which brings together a bunch of kids who have been identified as at-risk kids in two-hour sessions once a week, plus weekend camps and a number of different activities. The program teaches kids in the 11- to 15-years age group a number of different life skills. Some of those kids came out of a very troubled community close to Katherine called Binjari, and there are four kids from the Katherine community, both Indigenous and non-Indigenous.

So there are efforts. That is a cross-agency effort. A number of different people are involved in it. To get back to the education side of things, early in the piece the responses from some people who were in that agency were that when they come through the door or the front gate of the school they are our problem and when they leave they are somebody else’s problem. I am pleased to say that that is a thing of the past. The education department is very involved in the cross-agency work, as are a lot of the other agencies.

I will go back to something that Bob said earlier about sharing information. That is a critical issue for us. There are a lot of people who think: ‘We know personal information about this person, but we can’t tell you about that because we have it for this reason.’ For goodness sake, if we have not got the information to share with other agencies to protect the kids, what are we bloody doing?

Ms Baptie—One of the issues that potentially impacts on a range of the areas which the committee has clearly identified previously is the issue of mental health. That very much impacts

on young persons, for different reasons to women, certainly coming before the court. If you have a representative representing a person before the court who can identify those issues, make the court aware of them and be able to provide reports, interventions or projections into the future, (a) it might avoid a period of incarceration but (b) it has crossover when there are care proceedings, where issues of mental health may well be the pivotal issue. The department will say, 'This person has a significant criminal history,' but it is clearly often related to their mental health and the lack of intervention to address that at an early stage, a middle stage or a late stage.

We see that very clearly with young persons. I guess in the youth drug court, because we are given so much more information at a very early time, we can identify it. But in being able to act on it there is usually very little, apart from: 'It's all too hard. Let's lock them up.' or 'It's all too hard. Therefore, even with the resources the Youth Drug and Alcohol Court has, can we provide them with a program?' So those people who desperately need an intervention—and I say that in the nicest, most positive fashion—are being deprived of that because there is not enough identification of such a crucial issue, mental health in our community—and mental health at different stages and projected in different ways. It may be with a young person it is a depression, and there are certain ways of treating that. It may be an emerging psychosis, which is really going to have an impact, and very quickly, on the young person's life. I think it certainly has a significance in relation to female offenders generally before the courts.

CHAIR—We are running out of time. There are a few more questions—one from Ed, one from Sharman and one from me—and then we will finish up.

Mr HUSIC—There were points made by two of the participants here today which I want to return to. I had an interesting follow-up within the committee. Mr Grant indicated that the transcript of March 2010 says that for every person you can avoid incarcerating for a year you are saving about \$70,000. Secondly, Mr McKenzie, I share with you the sadness that you expressed about how, 20 years after the event, after Aboriginal deaths in custody, we are breaking records on incarceration.

I guess those two points lead me to this issue: what left an impression on me in the transcript, Ms Oliver, was the strength of your support for diversion. I know I am returning to a point, and I take on board some of the points that you made earlier. What stood out, in what you observed at GEMYDU, as the reasons for their success in the way that they managed diversion? I am really interested in following this as a matter to follow up within the committee.

Ms Oliver—A number of the things that people have identified today. One is good community involvement—people being involved in setting up relevant programs that GEMYDU run. They have had people running that program who have been terrific participants in the community. Unfortunately I think the person who has been running it is about to go. The two commonalities for that program are: having good people running them and involving the community in developing the sorts of things that young people like to do.

Dr STONE—Can I speak again on the gender difference issue. As I said before, we know that a lot of the police, both in metro and rural circumstances, are males dealing with offenders or people beginning to law break. We have our Western Australian superintendent here and we have our Queensland commissioner here. Can you tell us: are there any deliberate plans afoot, or do you have any plans, to go out and target Indigenous women to join the police force—to become

community law enforcers or 'community police' as we call them in WA? We have NORFORCE, for example. That is very successful with young Indigenous men joining the defence forces. Is anyone aware of any programs encouraging Indigenous women to join the defence forces, which would give them a different status and empower them? What are we doing in that regard to balance the people interacting with Indigenous communities being both men and women?

Mr Atkinson—We try to actively recruit Indigenous people into the police department. My own view of that is that it matters not whether they are sworn police officers, police liaison offices or civilian staff members. We have a program called the Justice Entry Program where we provide accommodation and a six-month training program for Indigenous people who want to be police officers but just do not quite get to the entry level. We will send you details of that program; it is called the Justice Entry Program.

I think it is really important to have Indigenous women as either police liaison offices or sworn police officers. In a perfect world they would be working with Indigenous people but I do not believe that we should make that a prerequisite or condition of their joining. We just want people with an Indigenous background to be in the police department; if they then want to go and work in an Indigenous community that is wonderful. We also try to have Caucasian women working in Indigenous communities. I think that is a really good and healthy thing.

Can I follow up with more information on that because I do not have those details at the moment. I think women in a community actually relate better to the children there, by and large. And I think they relate better to women, particularly women and female children who are victims but do not want to talk about it and will not talk about it to a male officer. I think that is really important as well.

Supt Emmanuel—That is a very interesting point because it is quite difficult to recruit the numbers that we need to achieve those outcomes across the state. We have an Indigenous community diversity program which comes under my command. In there we have a senior Aboriginal woman who, in my view, is second to no person on the planet in terms of her engagement skills and education skills. She travels out to remote communities to work with non-Aboriginal policewomen. She educates them about how they should engage with the Aboriginal women in those communities. It is a very important role that she plays. I would like to extend her capacity by recruiting just a few more into our Indigenous unit, because my view is that in that way we could get to each of the districts within the state. As you know we have quite a large state so there is a need to be quite strategic about the way we approach it. I think that is the best way to do it.

Dr STONE—You see this as a priority for your policing, to have more gender balance?

Supt Emmanuel—I certainly do, because we have to license that reality that I mentioned first up—that is, it is difficult to recruit the numbers of Aboriginal women that we need to. Certainly that is our intention but it is very difficult to do, given that there are so many other agencies competing for the people with those skills.

CHAIR—Thank you very much. This has been very interesting, educative and helpful to the committee. Thank you to those people who have taken the time to give us written submissions

and those people who have taken the time to give evidence a second time. It is greatly appreciated by the committee.

Proceedings suspended from 12.15 pm to 1.05 pm

CHAIR—I declare the pm session open and again acknowledge the traditional owners of the land upon which we meet and pay our respect to elders past and present. Please note that these are formal proceedings of the Australian parliament. Everything that is said should be factual and honest. That might seem odd coming from a politician, but that is what I am required to say! There is a bit of jocularly; everyone is obviously still awake after lunch! It can be considered a serious matter to attempt to mislead the committee. This hearing is open to the public and the transcript of what is said will be placed on the committee's web site.

Before beginning the roundtable discussion this morning we should introduce ourselves and tell you where we are from. Quite a few people were here this morning but some were not. Not all of the committee is back but I will introduce myself. I am Shayne Neumann. I am the federal member for Blair, which is based in Ipswich and the Brisbane Valley—around the Wivenhoe Dam, which has been in the media all the time. I come from south-east Queensland and in my area there is a very large Indigenous population across the Ipswich and Logan areas to the south of Brisbane. My background is as a lawyer who practised in family law, criminal law and a number of other areas so I had a very large Indigenous client base when I was in private practice.

Ms GRIERSON—I am the federal member for Newcastle. Newcastle has a very large Indigenous population—the Worimi and Awakabal peoples. It is a transition place for people moving through to Sydney or up and down the coast. We have a very good and long-term Indigenous service infrastructure. I am a former school principal so I am particularly interested in knowing how our education is integrating and making a difference for young people. This inquiry is particularly relevant.

CHAIR—Dr Sharman Stone is the deputy chair.

Dr STONE—I am the federal member for Murray, which is on the Victorian side of the Murray River. There is a big Indigenous population there. For my sins, my first degree was in anthropology, specialising in Australian race relations and traditional culture. I spent a long time working in the Office of Corrections in Victoria with Indigenous prisoners.

Mr HUSIC—I am the federal member for Chifley. Chifley covers Blacktown, Mount Druitt and just south of Riverstone. The electorate sits within Dharug land. Nearly 6,000 people with an Aboriginal background live in the Chifley electorate and I have a deep interest in the committee and particularly in this inquiry.

Mr PERRETT—I am the federal member for Moreton, which is an inner Brisbane seat. It has one suburb that has a significant Indigenous population of about nine per cent. Apart from that I grew up in country Queensland and had a long-term commitment to ATSI issues and rights.

Mr HAASE—I am the member for Durack in Western Australia. It is a new electorate in Western Australia occupying 63 per cent of the land mass of the state. Something like 14 per cent of my constituency identifies as Aboriginal.

CHAIR—Natasha Griggs is also here. Natasha is the coalition member for Solomon in the Northern Territory. She was here this morning; she is just not here at the moment. She is on her way.

[1.09 pm]

BAMBLETT, Professor Muriel, Chief Executive Officer, Victorian Aboriginal Child Care Agency Cooperative Ltd

BURROW, Mr Andrew Charles, Superintendent, Work Readiness and Education, Rio Tinto Iron Ore

CHAMPION, Ms Una, Nurse Manager, Adolescent Health, Justice Health, New South Wales Health

CHANT, Dr Kerry, Deputy Director-General, Population Health, and Chief Health Officer, New South Wales Health

CUMMINGS, Mr Andrew, Executive Director, Australian Youth Affairs Coalition

GASKIN, Ms Claire, Clinical Director, Mental Health, Justice Health, New South Wales Health

GLASGOW, Mr David, Commissioner, Family Responsibilities Commission

HOLLYWOOD, Ms Romola, Manager, Social Policy and Advocacy, UnitingCare Burnside

MASON, Miss Patricia, Co-Chair, Western Australian State Aboriginal Justice Congress

MIERS, Ms Sue, Spokesperson, National Organisation for Foetal Alcohol Syndrome and Related Disorders

PRIDAY, Ms Emilie, Senior Policy Officer, Australian Human Rights Commission

RADCLIFFE, Mrs Leza, Female Representative, Yamatji Region, Western Australian Justice Congress

SCOTT, Ms Michelle, Commissioner for Children and Young People, Western Australia, Australian Children's Commissioners and Guardians

SOMERVILLE, Associate Professor Robert Stanly, AM, Director of Aboriginal Education, Department of Education, Western Australia

SOVENYHAZI, Ms Tammy, Registrar, Family Responsibilities Commission

TIERNEY, Mr David, Senior Programs Officer, Aboriginal Child Family and Community Care State Secretariat

Breaking the cycle of contact with the criminal justice system through social norms and healthy, safe communities

Ms Scott—I am the Commissioner for Children and Young People in Western Australia. Today I am also representing the other children's commissioners throughout Australia.

Prof. Somerville—I am the director of Aboriginal education for Western Australia in the state school system. I am also a Martu man from Jigalong in Western Australia.

Prof. Bamblett—I am a Yorta Yorta-Wotjobalak woman from Victoria. My daytime job is that I am CEO of the Victorian Aboriginal Child Care Agency, which is principally involved in child welfare. We employ about 180 staff.

Mr Tierney—I represent the Aboriginal Child, Family and Community Care State Secretariat.

Dr Shepherd—I am from the Batchelor Institute of Indigenous Tertiary Education in the Northern Territory, which is Australia's only postsecondary multisector Indigenous training centre.

Mrs Radcliffe—I am the Yamatji regional representative for the Western Australian State Aboriginal Justice Congress.

Miss Mason—I am the state chair for the Aboriginal Justice Congress, and I come from the Pilbara region—Port Hedland.

Ms Hollywood—I am the manager for social policy and advocacy with UnitingCare Burnside, which is a large child and family service provider providing services throughout metropolitan, regional and rural New South Wales, primarily working in disadvantaged communities.

Ms Sovenhazi—I am a registrar with the Family Responsibilities Commission in Northern Queensland.

Mr Glasgow—I am the commissioner with the Family Responsibilities Commission, which is an independent commission operating in Northern Queensland.

Ms Miers—I am the spokesperson for the National Organisation for Foetal Alcohol Syndrome and Related Disorders. I am also the foster carer of a now 30-year-old daughter who has a foetal alcohol spectrum disorder.

Ms Champion—I am here today representing Justice Health, which is the New South Wales state-wide health service that looks after all people who come in contact with the criminal justice system, including the young people. My usual position is nurse-manager with the young people in custody.

Ms Gaskin—I am the clinical director for adolescent mental health for Justice Health in New South Wales Health.

Mr Cummings—I am the Executive Director of the Australian Youth Affairs Coalition, which is the national peak body representing young people in the youth support sector.

Ms Priday—I am from the Human Rights Commission, and I am representing Commissioner Mick Gooda.

Mr Burrow—I work for Rio Tinto Iron Ore in Western Australia, and I am the superintendent of the Work Readiness and Education department, which is part of the Communities department of Rio Tinto Iron Ore.

CHAIR—Thank you very much. If you were here this morning, you saw that it went all over the place, and that is what we want to do. It is a roundtable. Feel free to contribute back and forward across the issues. I might start with pretty much what I started with this morning and say that we know that we have gone backwards in the last 20 years on issues of Indigenous incarceration, detention and involvement in the criminal justice system. We want to know why, and I think the Australian public want to know how we can fix it. I know it is a big and complex dual question, but I will open it up for anyone to start. We might start with you, Michelle, right at the end.

Ms Scott—I want to say that as a commissioner I am independent and I report to the Western Australian parliament. It is a relatively new position in Western Australia. I have been the commissioner for three years, and I am charged with the responsibility for all children and young people under the age of 18, but I must have special regard for Aboriginal children and young people and others who might be vulnerable or disadvantaged.

From the very beginning of my appointment, the over-representation of Aboriginal kids in detention and coming into contact with the criminal justice system has been a priority. That is because in Western Australia we have an average daily rate of about 158 kids in detention, compared to Victoria, which has an average daily rate of about 43 to 50. If you are an Aboriginal young person, you are 43 times more likely to be detained in Western Australia than you are elsewhere in the country. So it has been a very important priority. I think there are complex reasons why that is the case. I think there is some evidence that others can talk about that we could be investing in and that can make a difference. But I agree with you that, despite our best efforts, we are not making the substantial inroads that we should be.

CHAIR—We had a lot of evidence this morning from other states, but I am glad to see Western Australians here this afternoon, because most of the evidence we had this morning came in relation to Queensland, New South Wales and the Northern Territory. Robert, you are another Western Australian, aren't you?

Prof. Somerville—Yes, I am.

CHAIR—So perhaps you could comment.

Prof. Somerville—The issues are complex. I think what often occurs is that we come up with solutions for a term of parliament. I think one thing the government is doing well at the moment is giving us a longer period of time in closing the gap. Over the last 20 years things have gone back. I think they have gone back in a number of ways. We are seeing a huge lack of Aboriginal leadership and Aboriginal people making the decisions with regard to the directions we are taking. There are very few Aboriginal people in areas of power now. When I look at my own

department—and I can say this—we have a lack of Aboriginal people in senior positions, and we had that 10 or 15 years ago. That is one solution we have got.

People do know the problems but often do not know the solutions. We are not taking a big picture approach with a whole range of things such as tax reform for Aboriginal people to get them into and allow them to stay in jobs. We are getting more Aboriginal young people in the justice system in Western Australia and we are getting a huge number of Aboriginal people being retained to year 12 and getting TERs to get them into university and so on. We are seeing an enormous change at one end of the spectrum yet we are seeing that ongoing rise at the other end of the spectrum. Why? What are some of the solutions? How do we get people who are out of work back into work so that they can make those life choices?

Mrs Radcliffe—There is not enough consultation with the community at the grassroots level. We have heard about a lot of youth programs and youth funding and agencies that are responsible for youth but we do not hear about a lot of people talking to the kids and finding out what will work for them. It is great to talk to their parents and the community leaders. I spent a good part of every day putting out fires for the rest of the community, but I spend a major part of my day speaking to the kids that we are here about. The reasons behind their offending behaviour and the reasons they are disengaging from education can range from small things such as not having breakfast—and we heard about the breakfast programs and things like that—to major things such as not having a bed to sleep in, worrying about being raped and worrying about being beaten every night. These are the reasons our kids are not engaging in programs. The programs could be great. With just a little bit of tweaking they could be more relevant to the kids you want to engage with. You are not going to find that out if you do not talk to the kids.

Dr STONE—Would you put the suicide risk with young Indigenous girls and boys into the same basket as increasing offending and so on?

Mrs Radcliffe—Yes, across the board. We make a lot of decisions on behalf of our kids, and rightly so as parents who are fully equipped to make those decisions but a good portion of our parents are under the age of 18 and have never really been asked their opinion about anything. They do not get to vote and they do not get to legally drink but they are parents. They are raising kids with no skills. We have third or fourth generation families that have not had long-term sustained employment where they would have superannuation at the end of it. CDEP is going in the future and that will have a massive impact on our communities and how they are going to survive these major changes coming their way.

Ms Scott—I think Leza raised a very important point. The Western Australian Department of Corrective Services actually for the first time talked to kids in detention. I have brought this along for the committee. Earlier this year I published a major research report about wellbeing. That involved 12 months of researchers talking to kids, 10 per cent of whom were Aboriginal in regional and remote communities as well as in metropolitan areas. What was important to their wellbeing? Having a loving, supportive family where they feel safe and secure was critical to their wellbeing. What things were they most concerned about that detracted from their wellbeing? Anything that impacted on family: alcohol and child abuse. Recently we also talked to the Halo boys, who are kids in detention, about their mental health and wellbeing. They commented a lot about the lack of parenting and the lack of male role models in their community.

So from hearing the voices of kids and young people, for those of you who have not worked in that area, you would be surprised at how much their views correlate with the scientific, objective research that comes out of all of the universities and the Telethon institute in Perth. But it is very important that we talk directly with children and young people, and that is a point that we have made in our submission.

CHAIR—Muriel, you have done a lot of work in this area and I know you have given a lot of evidence in relation to this. Can you comment about the family connectiveness and impact and the social norms. The first recommendation is about developing positive social norms and dealing with social engagement in communities, and I know you have done a lot of work in this area.

Prof. Bamblett—I think the strongest predictor to young people and children being involved in the criminal justice system is parenting, and there is an absence of this with a lot of our young people, particularly with a history of stolen generations. I think all the evidence in Victoria suggests that young people who are involved in the criminal justice system have issues at home: mental health, drug and alcohol, disability. I think if we do not do something about parents working with parents and families in the home we are not going to stem the flow of children in the system. I think that is one issue.

On the issue of involvement of the Aboriginal community, Aboriginal people have to be at the forefront and driving. You have heard evidence about NGOs doing the work. I think that is great. But I was involved recently in the NT inquiry, in the Northern Territory, where we went to one community where 81 services flew into a community on a monthly basis. Most of those services did not know who was coming in, so you had mental health, drug, family violence—every type of service. The answer is not more services for Aboriginal people, it is for Aboriginal people to drive our services.

Our Aboriginal Justice Agreement in Victoria is actually making inroads. If you look at the data there, the actual numbers of young people going to criminal justice is reducing and we have got Koori courts, similar to in New South Wales, so where Aboriginal people are involved you can see there is a difference. That is the Aboriginal Justice Agreement, but there is the whole justice system. Being on the Youth Parole Board in Victoria, I have to make the point that culture is the critical issue for our young people. A lot of kids that are involved in the criminal justice system have no connection with their culture. A lot of them have been placed in non-Aboriginal care, with a history of being in non-Aboriginal care with no connection to culture. They do not know who they are. They did not know who their family are. We know that when children leave care, 80 per cent of them go home. If children have been raised by non-Aboriginal people, who do they go home to? That is why the criminal justice system becomes their home, becomes their family, becomes the only institution that they know.

I think we have to look at all of these issues. We have to look at the underlying issues and address those issues. You cannot just continually deal with the episodes of children being in the court system and young people coming to the court. We do not have a therapeutic response to young people. We do not know how to deal with their issues of chronic, alcohol, homelessness—too many complex issues that a criminal justice system is not geared to deal with.

Mr PERRETT—We have been told that one of the greatest predictors is family behaviours, we have a horrible history of taking children away, and I do not know the data for children in care but I assume it is similar to the data for ATSI children in custody. In terms of interventions for a 10-year-old or for a 12-year old or a 14-year-old or a 16-year-old, would it be better to go earlier, to act earlier? By the time someone is 12 or 14 or 16, you are flat out finding a foster home. I have constituents come and say to me, ‘We’re going off to India because there are no kids to adopt in Australia,’ and I say that there are lots of kids to adopt in Australia or to care for as a foster carer. Could you explore that question of early intervention? And that would be the state taking somebody.

Dr Chant—The state not only needs to take children, though; it also needs to work on improving outcomes for children, because outcomes for children in the care system are actually worse now. Children come out of the system much worse. We have to have an out-of-home care system that improves outcomes. It is the same with the criminal justice system: the outcome for children who come out of care is generally that they progress to the adult criminal system.

Mr PERRETT—I always marvel at foster carers; they are saints—occasionally sinners but mostly incredible saints. This is outside the ambit of the inquiry, I guess, but would there be more people signing up for foster care if there were younger children to care for? Obviously, that 14-year-old child that you have has some behaviours that would be challenging for any parent.

Dr Chant—But I think that this inquiry should look at the out-of-home care system, because adolescents in out-of-home care are hard to place. They have behavioural issues. A number of those young people are ending up in the juvenile justice system because the out-of-home care system cannot cope with their behaviours. So you have to look at the out-of-home care system. You have to look at why so many of our young people who are vulnerable and at risk are not able to access treatment or services. In the Northern Territory, when we did the inquiry there, we found that if you were homeless you ended up in juvenile justice because you deliberately committed a crime so you could get accommodation and, if you had mental health problems, you ended up in the criminal justice system. The service system has to be made available to all young people and has to address their needs. We cannot let the criminal justice system be the answer to children’s needs.

Mrs Radcliffe—If I could just add to that. While the focus needs to be on the child—and primary prevention would be fantastic; services are now starting to look at kids aged six and up to try to effect some change—without looking at the family and the home life, it is not going to make any difference. You can prop that kid up until they are about 13 or 14, but then you will find them going away from the mainstream, finding a social life, finding a sex life, finding alcohol and drugs if they have not already found them, and you will lose them anyway. If you do not repair whatever is going on in the home, you could have 48 foster families and you will still need more.

CHAIR—Miss Mason, you are nodding your head sagaciously there—at least, you want to make a point.

Miss Mason—Yes. I have been listening to all the speakers this morning. I spoke to the Attorney in regards to this, because we are actually dealing with law and order in Western Australia through the State Aboriginal Justice Congress. In looking at reducing rates, I feel that

we are going to hit our heads against a brick wall. If we are going to use preventative measures in this situation, we need to look at the external as well as the internal, because people within the system need support as well. We try to stop them from going into the system, but what about the people that are in the system that are going to come out and reoffend? I think someone had that discussion this morning. That is a major concern. I spoke to Andrew Barrow in regards to the Rio Tinto initiative for employing people. But the young children have no family support in there. The parents do not visit them; it is only by phone. There are 750 youths in detention. We should be appalled. We are going backwards. We are severely going backwards, because the majority of those kids are in there because they have nowhere to go. Nobody wants them. If you commit a crime, you have got nobody.

But, at the end of the day, whether you come from Western Australia, New South Wales, Victoria or wherever, if you take all those borders away, those boundary fences, you are still Australian Aboriginal. I say that over and over. We are actually refugees in our own country. For me, sitting at this table, I am part of it—a shamed person who sits up and represents the state of Western Australia and sees these things happening time after time after time. How many trees are we going to keep cutting down to make more reports of research on us? Pull out the material that we have got—surely to God, some of us have got a brain. Do you know what I mean?

I looked at a few of the things you did not cover this morning in relation to hearing loss. You have got a nought to five program. I think with an Aboriginal child you have to start before five, at three, because we see the progress. It is not improper. That child will do what he wants to do and the mother will let you go and do that.

Then you have got Indigenous consultation—I think you did not cover much of that this morning—grassroots services, and family and community initiatives. You have detention programs. You have got parenting support for two to three months: interactions with their child in the centres—you must have this whether you like it or not; intense programs on family, where you have got mothers, family, brothers and sisters. You need to pull that family structure back together. Without it you will never win; it is a lose-lose situation.

Talk about the welfare system—I am solemnly against the welfare system. Over 250 years we got introduced to things that, to us, were taboo, like alcohol and drugs, and there is driving—the things that we have been introduced to are the biggest issues. That is why Aboriginal problems are on the front pages of the newspapers. We need to change the front pages of the newspapers. That is why we are sitting here. We need to put our heads together. I talk to Leza all the time; I bring that to the congress table. Now is the time, whether we like it or not, to make change and change for the better, because that is the next generation. I am 52 now; I will not be sitting here for another 10 years—well, I hope to be but I don't know! I might be one of the statistics for Aboriginal people! Then you have a male life expectancy which has risen from 10 per cent to 15 per cent. What are we doing? That is me.

CHAIR—Thanks, Patricia. We want to make change for the better.

Miss Mason—I think we do.

CHAIR—We have had 106 submissions and 17 public hearings and this is the final roundtable before we prepare our report.

Dr STONE—Miss Mason, you very eloquently describe the problems and you have been in the business of trying to help for a very long time. Can you give us examples of what you have seen work or what you know could work better? You talk about the whole family approach; how can we do that better? What does it require us to do differently from what is being done now?

Miss Mason—I think that we are failing to mentor these youths and families. Mothers—well, you can't inherit a behaviour; it is learnt. They only do things that they learn from the people who are around them, and if they are not getting pulled up for that behaviour they think it is right. What I am saying is: even though we tend to forget and say, 'They're not our family,' at the end of the day, they are. We drive past an incident, instead of pulling up and saying, 'Do you need help?' They need that sort of guidance. They have got no guidance. These youths have got nothing. Even the parents have got nothing, because that is the way they were brought up. But I see that you need role models to mentor these people. You need to get them into petty little things to start off with—not challenges of life, because if you put a person to challenge, that challenge will get too much for that child and he will drop off the bandwagon, won't he?

I am here to present something later on. It is called Swim for Life. You might think, why do we want Swim for Life? But if you look at swimming itself it is actually setting work-related tasks for you in management. If you start looking at survival, in the sense of saving someone else's life, you can save your own life by doing that. I will give you a better rundown later on of the statistics in relation to this program.

I went through Curtin and I have seen different levels of learning even in one room. A lot of lecturers will not give you a thought because they are there to teach and to teach only. They do not consider the levels of the people who are in the room. There are three levels. One level will be those on the ground: they are there to learn. Then there is another one that is in the sky: they do not want to learn because they know everything. What about the people in the middle that are drowning? Do you pick up on those people? That is what you call the Indigenous race. They are in the sea and they are drowning—you know what I mean?—whereas the likes of me are educated. I had the best of two worlds: the white and the Aboriginal. Those sorts of people have not got that support, and I think we need to support them.

CHAIR—Thank you, Patricia. Something that was picked up before was education, work and transition. Andrew, what stands in the way of people making that transition from school learning to work? We talked a lot about it this morning and about getting Indigenous young people to school. With the transition from school to work, what are the obstacles and how can we overcome them? What has worked for Rio Tinto?

Mr Burrow—From our perspective, it is clearly a lack of education, and by that I mean above year 10 is an issue. I heard someone talking during lunchtime about the importance of some of the harder subjects like maths, science and English and those sorts of things. I think that is pretty well documented. The area that I am working in is focused on trying to get people who for whatever reason have not been in the workforce into the workforce. Certainly one of the biggest issues that we encountered, which at the time probably accounted for 80 per cent of people not getting into the workforce, was driving licences. It is an area that has been a bit of a passion of mine. Hopefully, it will gradually be put to bed and we will have other issues to cope with.

One of the problems that we see in the Pilbara, particularly within the mining industry—and Rio Tinto is probably no exception—is that, traditionally, there has been a requirement for people, irrespective of the role for which they came into a mining operation, to have a full C class licence. With time, the bar, as it were, to achieve a driving licence has got progressively higher. In the submission that I have put to you, there is a bit of a quantification of it. But, in a nutshell, a long time is involved in getting a licence, and it is a pretty costly exercise. We budget, for example, \$3,000 per individual to get a novice driver through to at least a provisional licence. That is based on a system which requires 25 logbook hours. I know that in Queensland and New South Wales the figure is 100 logbook hours. That would push the cost up to probably \$8,000 or \$10,000 per person. The situation that we see is one where a lot of people out there want to get into the workforce but cannot because they have not got a drivers licence. As a consequence of that, we have put a lot of effort into providing driving instruction and access to roadworthy vehicles and that a sort of thing to enable people to get across that bridge. That seems to be coming together.

Some of the job service providers, I am pleased to say, are starting to embark on the driving licence instruction thing. So I think it is a problem that will gradually become less so, but it will continue to be one because there is a big segment of the community who cannot afford access to the resources that will enable them to get a licence unaided. I think it affects recidivism and particularly young people getting into the criminal system. It is not the only reason, but certainly in Roma regional prison, for example, which we have a good connection with, the anecdotal comments that I hear from the people that I know there are that probably 60 per cent of the inmates have driving or licence related offences. In addition to enabling people to get into our workforce and also, hopefully, keeping them out of the prison system, we see driving instruction as a very important thing. As we move on, I think there is opportunity for us—and it is something that we have not really looked at—to try and engage more with youngsters at the school level.

I think a lot of what we are doing revolves around giving people hope. I think a lot of the problems that we see are because people just do not have hope. We have employed a lot of Aboriginal people, and I think we are starting to see some of the benefits. We have people that are becoming role models, so that when you have engagements with local communities people see people that they know have made it, and people start asking the question and saying, ‘If they can do it, I can probably do it as well.’

What we are doing with these work-ready programs is basically providing an opportunity for people to get into an entry-level working environment within Rio Tinto. More lately, we have been working with quite a few of our contracting companies to try and explore for opportunities there. We think that these will provide the opportunity for people to hone their work skills and some of the life-coping skills that we have hopefully imparted to them during these work-ready programs. It also gives them the opportunity to see what sorts of careers and jobs are available in the organisation, and from the other side it gives our supervisors and the people that have to make the decision to employ a particular individual the opportunity to see that individual and hopefully say, ‘Yes, we’re prepared to take you into a particular role.’

There are some issues that we are grappling with. Accommodation is a real problem up in the Pilbara. There are quite a lot of job opportunities which are available, but access to those is difficult because of the inability of people to get into accommodation. With the expansion going

on, a lot of accommodation that was available in the past is taken up by people doing contract construction work. But that is something we have to cope with, I guess.

Dr STONE—What proportion of women, compared to men, are you employing and putting through your various mentoring programs, licence-achieving programs and so on?

Mr Burrow—Off the top of my head, I would guess that it is probably at 25 per cent compared to 75 per cent. That is female to male. Actually, it is probably closer to a third female and two-thirds male. From a recruitment perspective, we do not make any distinction between male and female. We get whoever puts their hat in the ring in most instances. We certainly have a recruitment policy that it is one of the high priorities to get Indigenous people into the workforce and to get women. Certainly, in terms of Indigenous employment, you are probably aware that Rio Tinto has a stated intent in the Pilbara, for example, that we want to achieve a proportion of Aboriginal people in the workforce that is similar to the greater population in the Pilbara. So, by 2015, our reading of the demographics is that we need to be aiming for approximately 14 to 15 per cent of our workforce being Aboriginal people.

Dr STONE—Ms Champion, do you want to follow on from that?

Ms Champion—Yes. It was not a follow-on from the education; it was really a follow-on from the previous speaker. It is so true—the things that were said—and there is lots of evidence out there. I am speaking on behalf of Justice Health, who have done two large researches, one in 2003 and one in 2009—it is just completed—looking at young people in custody health surveys. We have been looking at various areas of health, including psychosocial and lifestyle issues. All of the data, unfortunately—we are looking at the most vulnerable young people in New South Wales—show that 50 per cent of the young people in custody, as you have probably heard this morning, are Aboriginal young people, and their levels are still higher than all those vulnerable young people in a number of areas: mental health, drug and alcohol, and even in the areas of the young people placed in health or home care. The young people who have a parent who has been in prison are up to 60 per cent. So you are looking at young people who are really vulnerable. The families try and support the young people and they love the young people, but they need guidance on how to be parents, because they have not really got the skills themselves.

So I think you need to begin with the young people when they leave the maternity hospital. The people are identified there. There should be some mentoring or some process in place when they identify those young people when they leave to try and support the families. One of the predictor factors was that the data showed that the Aboriginal young people do attend school at a higher percentage than the non-Aboriginal vulnerable young people. However, they leave at a much earlier age.

So I think the focus has to be on actually supporting the families. They talk about this program and that program for young people but, for a start, they have no money. One area the inmates identify is that they like being in custody because they get food three times a day and they get a bed. Some young people even want to come back in, but they miss their families. We did follow-up studies on young people in three months, six months and 12 months after they went back into the community and asked them what they missed when they were inside and what they missed when they were outside. When they were inside, the things they missed were social issues such as regular school, regular food and regular meals. And they missed their families.

When they are outside they like being with their families, but they miss all the other stability. They do not have money. They are not in a position themselves, even though they are age 12, 13, 14 or 15, to get themselves to a doctor or to a shop to buy food. They do not have money for food. So, in my view, you must work with the families. It is very difficult to put programs in place for individual young people, without involving the families and supporting the families.

The families want to do the best they can. They are so happy to get some help and information on what can be done and who can help them. Justice Health have some programs that they run in the community as well and Claire can talk about some of those where we support the young people in the community and link them into services in the community. Unfortunately, across New South Wales there is a bit of a gap in services that they can be linked into.

CHAIR—We will ask Peter Shepherd to follow on and then we will get Andrew after that. Peter, you had some experience in terms of vocational training, getting Indigenous young people from education into the workforce, following on what Andrew Burrow had to say. I am interested in your evidence.

Dr Shepherd—I certainly support the work that Andrew is doing. Batchelor Institute, in conjunction with the NT Correctional Services, is focusing on providing people with vocational skills in an area where there is a skills shortage. We are having considerable success in having those people headhunted before they finish their prison work and also helping them stay out of prison in future. So we are reducing recidivism rates to under 10 per cent for Indigenous adult males where, I believe, the norm would be above 60 per cent. I think the key to what we are doing is related to real life. So I am establishing a sustainable social enterprise—or a number of them, I hope—based on vocational skills which support the existing training program in the prison, which includes things such as life skills, anger management, financial management, and drug and alcohol abuse. I am focusing on areas where there is a skills shortage. The inmates are getting accredited skills, which are highly desirable by the industry we are focusing on. Consider OH&S and you would look at various tickets in forklift driving, welding or whatever, by consulting with industry in your local area. You would ask: ‘What do you want? How can I prepare somebody whom you will employ?’ It is more than that because, by working on real work with real contracts, with real clients, a real budget you actually develop what I call ‘soft skills’ in the inmates, which is problem solving, communication, literacy and numeracy, based on workplace needs, not on something that somebody has dreamt up about how to read a menu or whatever.

You also develop the personal attributes that we have been talking about here, which is a commitment, taking responsibility and taking a pride in what you do, developing self-esteem and a sense of worth, vision and goals and intrinsic motivation. These are outcomes that are happening by finding real jobs that people can do that will actually provide them with achievement and actually things to do. We have people who say: ‘No, I’ve never done this before; I thought I was always going to come back to prison. I didn’t think I was useful, but you are showing me that I can do something. I’m now going to go out; I’m not coming back here.’ And they don’t. It is really quite a successful outcome.

Mr Cummings—I just want to go back to your original question about why we are going backwards. I guess one of the biggest concerns that I see is that the areas where government funding is going continue to ignore the evidence base. We have a really strong evidence base that

tells us that prevention and early intervention are what work, and yet what we keep doing is locking up young people, particularly Aboriginal young people. All of the research also tells us that the reason we lock up young people is not because crime is increasing; it is because we are changing bail laws and sentencing laws, and we are ignoring our obligations under the UN Convention on the Rights of the Child which say that we should only ever lock up children and young people as a very last resort and for the shortest amount of time. Instead, we are seeing, as I read today—and it might be an outdated figure, so please forgive me if it is wrong, but I think this is what it was saying—that in Queensland 74 per cent of children and young people in detention are there on remand, so they have never been found guilty of a crime. Yet we keep on locking up these young people—and, when we are talking about Aboriginal young people, 24 times more than we do with non-Aboriginal young people. That is a national average, and we know that in some places like WA it is even worse than that.

I would implore you: let us go back to the evidence, the research. The international research shows us that there are really good outcomes for diverting funding away from building new prisons, detention centres and really expensive things like that and reinvesting that money into things that actually work, the things that people are talking about: supporting families, providing mentoring and role models to children and young people at the earlier stages and avoiding them ever getting into the criminal justice system.

Just as an anecdote: I was in the Northern Territory a few weeks ago and I met a young youth worker from a remote community who is working for the YMCA there. She was telling us how on one day a week she goes into a local community school. The usual attendance rate there is around 60 per cent. On the one day a week that she goes in, it goes up to over 90 per cent. All she does is things like go in and talk to the young people, put on barbecues, have games in the pool after school and that kind of thing. The rule is that if the kids do not turn up at school they do not get to take part in the program. I do not know how much that costs, but I cannot imagine that it is more than a few thousand dollars a year. Her salary is probably \$50,000 a year, and that is one day of the week that she goes there, so we are talking about something like \$10,000 a year that is seeing this massive increase in just getting the kids into school and giving them something productive to do.

Children and young people constantly tell us—going back to Michelle’s comments earlier about when we actually listen to what young people say—that the reason they get involved in crime so often, especially at that kind of early level of the antisocial behaviour, the breaking and entering and low-level kinds of crime, is that they are bored. There are not enough things for them to do, and the things that they want to do cost a lot of money. We know from other people that that money is not available. That is across the board; that is not just Aboriginal young people, but those things are often heightened for Aboriginal young people.

I would really like us to start paying attention to that evidence. The evidence is there. We have the research, and there are some really good, simple things that we can start to do. There are some really good case studies, pilot programs and established programs that are doing a great job at the moment.

CHAIR—There is something that Andrew picked up, so I will go to Emilie first because she is an expert on justice reinvestment and the Human Rights Commission has been very critical of government in terms of strategy, funding and targets but also in relation to the fact that we have

not got justice targets in Closing the Gap. So, on the point that Andrew made, Emilie, could you talk about those.

Ms Priday—Thank you very much. I think it is an excellent point to pick up at this point. I noticed, Andrew, that you mentioned that we need to be putting our efforts into things that are actually going to make an impact in terms of diversion, early intervention and those sorts of things. Instead of spending what in New South Wales I think is \$541 to put a young person in detention, it is \$10 to provide a program in the community for them and it is \$10 for a youth justice conference, so it is a very stark financial cost. But I think there has been a lot of discussion around the fact that we need to reinvest in early intervention and we need to take perhaps some of that money away from the other end of the system, the imprisonment end of things.

I guess where we are coming from with justice reinvestment is an approach that they have been using in the US that is also gaining some currency in the UK. What it involves is diverting a portion of the funds that would have been spent on prisons and giving it to the communities where there is a high concentration of offenders. It is not just saying, 'Here's some money; let's go and spend it on diversion in a general sense'; it is finding the communities where there are a whole heap of offenders and giving the communities some ownership over those funds and making some decisions around how they think the solutions need to come about for young people who are offending.

I think this is something we have identified in our reports that has a lot of promise for the Indigenous communities in particular. We talk time and time again about engaging Aboriginal communities in the process, but this would be quite a concrete way of bringing them into the discussion and giving them some ownership over the solutions that need to take place. It is an approach that has been very successful in the US in places like Texas, somewhere that you would imagine would be quite a conservative state. They do have traditionally a really very high incarceration rate, but they have managed to basically stunt its growth. They were looking at having to build new prisons every year or every two years, and now they have been able to stem that tide.

CHAIR—I will call Romola, Sharman, Kerry and then Claire after that. The Uniting Church is one of the biggest NGOs in the country and certainly involved at the coalface in social welfare as well.

Ms Hollywood—I am actually here representing UnitingCare Burnside, though, which is a large service provider of child and family services in New South Wales. We are part of an agency called UnitingCare Children, Young People and Families, which basically feeds up as a service arm ultimately to the Uniting Church. I thought I would explain it in a little bit more detail; it is quite complicated.

I wanted to say two key things. The first one is that I am really heartened by the conversation around the table focusing on prevention and early intervention. Our organisation, UnitingCare Burnside, is actually celebrating its centenary. Our core business is indeed out-of-home care, but as an organisation we have looked very carefully at saying that over the long term, if we look at it from a systemic point of view, we really need to get in earlier and work with families much earlier to prevent children from coming into out-of-home care.

As an out-of-home-care provider we are very committed to providing the best quality out-of-home care, but we know if we look at the stats across New South Wales, which is what we know best, that the statistics for a whole range of indicators are actually quite poor for children who have grown up in out-of-home care. Indeed, why we got involved with looking at juvenile justice was that a third of young people who have grown up in out-of-home care are actually in the juvenile justice system. And, when you drill down into the stats, Aboriginal children and young people are over-represented there as well.

Our concern in New South Wales from the juvenile justice perspective is around some of the legislation that is in place that basically gives children and young people, their lawyers and their families very little room to move. Basically, we have a situation where the remand numbers are growing, and we are finding that the majority of children and young people who are held on remand will not actually go on to serve a custodial sentence. Indeed, four in five will not go on to serve a custodial sentence, which is fairly alarming in New South Wales. It is a huge cost to New South Wales, but the biggest factor is that it is hugely damaging to these extremely vulnerable children and young people—so in fact we have policies and an approach that are potentially doing more harm than good.

I have worked with a range of non-government providers in New South Wales, and we produced this position paper called *Releasing the pressure on remand*, which includes a range of solutions to look at diverting children and young people away from the juvenile justice centres. We have some solutions around better court support, where you are at that intersection. Particularly we have heard stories that some young people who are in out-of-home care—not our young people but some young people—actually go before the courts without any form of support except for their Legal Aid solicitor, who they will only see for 20 or 30 minutes. They do not have anybody with them. If you couple that with the stats around intellectual disability, mental health issues et cetera, it is fairly alarming.

So we have worked with a number of non-government organisations in New South Wales to try and get this issue on the table, and we have noticed also that experts in the legal field are very concerned about the ‘tough on law and order’ kind of approach. We hope that things will change in New South Wales through this advocacy.

Dr STONE—Could I address some questions to Sue Miers, who is particularly representing foetal alcohol syndrome issues. Almost everybody this morning and this afternoon has talked about the combination of mental health, alcohol and intellectual disability issues, juvenile offending, recidivism and so on. Perhaps the elephant in the room, particularly for young women who are alcohol dependent, is the potential for foetal alcohol syndrome to be passed on or for their children to be born with that condition. Do you want to tell us what you are aware of in terms of research or Australia’s experience with what is happening right now, particularly the Western Australian incidence studies and so on, with foetal alcohol and its relationship to juvenile offenders in particular and what we should be doing about all of that?

Ms Miers—Okay. I will start by just giving a very rough run-down of what we know about foetal alcohol, because people might not be aware; they have heard of foetal alcohol syndrome, but ‘foetal alcohol spectrum disorder’ is fairly new terminology, and that might confuse some people. ‘Foetal alcohol spectrum disorder’ is a term that describes a range of physical, mental, behavioural and learning disabilities that are a direct result of alcohol use during pregnancy. I

want to stress that it is not an Indigenous problem; in fact, we have some Australian studies that show that the women most likely to drink alcohol during pregnancy are on a higher income, are tertiary educated and live in urban areas. But I think the myth in Australia is that it is purely an Indigenous problem. There would be far more children in Australia—and this is my experience with our support group—from non-Indigenous backgrounds that have foetal alcohol syndrome than those from Indigenous backgrounds. Having said that, though, we know that there are some Indigenous communities that are very high-risk because of a whole range of factors which relate to determinants of health.

Foetal alcohol spectrum disorder is not really a diagnosis in itself, but there are a range of diagnoses that come under the spectrum. There is foetal alcohol syndrome, which many people have heard about, and that has specific facial features. However, a minority of children have those specific facial features, because that happens in a very small window early in pregnancy. The other diagnoses are alcohol-related neurodevelopmental disorder and alcohol-related birth defects, and it is alcohol-related neurodevelopmental disorder that, probably, the majority of children who are affected by alcohol have. But they do not look any different to other children and quite often they speak very well as well, so they are just seen as being badly behaved children, and not as a result of having a disability.

What foetal alcohol syndrome or foetal alcohol spectrum disorder really means is that these are children and adults—it is lifelong and they do not grow out of it; it is a very complex disability—who are unable to learn from their mistakes, cannot make changes in their behaviour, do not understand the consequences of their actions and are very impulsive. They often do not internalise or understand cultural rules, so that has huge impacts on communities that rely on an understanding of cultural rules to function properly. They often have far better skills in expressive language than in receptive language, so they appear to understand more than they actually do.

What happens is that, when we do not have diagnosis and early intervention and support, we know through longitudinal studies that have been undertaken in the United States and Canada that these children go on to have a range of what we call secondary issues. They drop out of school early. They have a lot of problems gaining employment. They are often expelled from school too; they are the children that get expelled all the time. They are over-represented amongst the homeless. We know from longitudinal studies that about 95 per cent end up with a mental health issue and between about 40 and 60 per cent end up with a drug and alcohol issue. So we can see how easily they can come into contact with the law and become repeat offenders. But I do not hear very many people, when we talk about early intervention, actually talk about early intervention starting from conception to birth. If we do not start there, anything we do later is going to be less than effective.

The international studies show that about 60 per cent of people with FASD get into trouble with the law—there are some different studies; if you are interested in those I can point you in the right direction—and about 50 per cent are confined in a jail or prison, a drug treatment facility or a psychiatric hospital at some point in their lives. In the study of 415 adults, only something like one per cent were able to live independently without ongoing intensive support throughout their lives. So it is a huge issue; and if we are not going to start at conception, then it is an issue we are never going to address.

The majority of individuals with FASD have an IQ that falls in the normal range, so that has huge implications for getting support and services. They generally do not qualify for support or services and yet they have an emotional and social age that sometimes is only about the age of an eight to 14-year-old. That is another big issue. Unless they are recognised and managed appropriately there will be no solution, yet currently in Australia we have a situation where our medical and other health professionals have not received any training in diagnosing and so affected individuals are slipping through the cracks.

In Canada, FASD training has been implemented into their police service and their correction systems and for lawyers and judges because they have realised that prevention and appropriate intervention and management is a far less costly alternative than jail. In North America they have now got probably in excess of 100 specially trained diagnostic teams. We do not have one specially trained diagnostic team in Australia. However, there is a team in Western Australia that are ready to go, but they have not yet got funding to run properly as a diagnostic team so they just have to fit in their diagnosis for FASD amongst a myriad of other diagnoses that come through the child development unit. Western Australia is also the first state to have a model of care for FASD, and I think other states need to look at that model of care. Also, Western Australia is the first state where the magistrates have got a bench book where FASD is recognised in the population and that there needs to be a special way of looking at how we serve them in the justice system.

So, really, it is a human rights issue—and I notice there is someone here from human rights—in that what we have here is a disability where individuals with that disability are not receiving the same level of care as those with other more familiar disabilities. It is just an appalling situation. I can say that families are really struggling. They are at crisis. They are burning out because they are not getting the help and support they need.

The latest international studies estimate that the current prevalence of FASD in populations of younger school children may be as high as two to five per cent in the US and some western European countries. Some of these studies come, interestingly, from Italy. I have often had people tell me: 'If FASD was real, countries like Italy, where they've been having alcohol forever, would have high rates.' Well, they are finding now that they do have higher rates of FASD; it is just that they have never noticed them before.

In Australia, FASD does not appear on the government list of registered disabilities. There is no Medicare number for a rebate for diagnosis. There are no Australian clinical guidelines for diagnosing. There are no specially trained multidisciplinary teams. Fewer than half of Australian health professionals routinely ask women about alcohol consumption in pregnancy or routinely provide information to pregnant women about the effects of alcohol in pregnancy. Less than 20 per cent of Australian health professionals, including paediatricians, know the four essential criteria for diagnosing foetal alcohol syndrome, let alone the whole spectrum of effects. A tiny proportion—less than five per cent—of health professionals feel very prepared to deal with FAS, and FASD does not appear in most policy or discussion documents where it should be receiving attention. I would just draw your attention to a 2007 report from the Australian National Council on Drugs that looked at drug use in the family and impacts and implications on children. It identified 451,000 children from the ages of birth to 12 years as living in binge-drinking families but, despite these shocking figures, the term 'foetal alcohol' did not appear anywhere in that

report. Yet the parents of those children would obviously be in their most reproductive years, so amongst that cohort I wonder how many actually have FASD that have not been identified.

To finish—and I am sorry I have gone on for so long but I have just got to get all of this out—the current invisibility of FASD in policy and practice must be addressed. We need culturally appropriate diagnostic and treatment services delivered by an interdisciplinary team of professionals who have been specifically trained to understand the complex needs of children, adolescents and adults with FASD.

We need a national standard of care for individuals with disabilities of all ages, and so a cross-agency approach is really imperative. There needs to be collaboration and a greater understanding in the education, drug and alcohol health, mental health and justice systems, and funding needs to be made available for the development of training programs for FASD across all of these sectors because none of them have received significant training in at FASD.

It must be included under the Commonwealth list of registered disabilities so that families do not have to continually fight for services from the education, health, disability, social service and justice sectors. There needs to be an immediate commitment from government to provide the same level of funding that is already being provided to support children with autism spectrum disorder to enable children, adolescents and adults with FASD to have access to specifically targeted service delivery.

Ms GRIERSON—I think we need a response on what health departments are doing about teenage births, foetal alcohol syndrome and the presence of Indigenous people in psychiatric services because of drug related psychosis et cetera. If you could give us a picture of the presentations and the responses and programs, that would be of interest to us.

Dr Chant—New South Wales certainly supports the focus on early intervention and prevention. One of the key programs has been a focus on a healthy start to life. One of the particular programs is our AMS program, which is our Aboriginal maternal and infant strategy. It is hoping to improve the issues raised both around conception right through to delivery and looks at the first five years of life. But I do take your point that supporting families is an ongoing journey.

Obviously as part of that program there is a focus on alcohol exposure as well as cigarette smoking, because we know the rates of cigarette smoking are incredibly high in Aboriginal populations. We are at the moment rolling out a program specifically addressing Aboriginal smoking called SmokeCheck, and we are just looking at the level of intensity of the intervention, given that a lot of the other studies to address that issue have not been shown to be effective.

So we have the AMS program—sorry about that diversion to tobacco; it is just a key issue for us going forward—

Dr STONE—Tobacco smoking in mothers does not lead to permanent disability such as foetal alcohol syndrome.

Dr Chant—It actually does. Tobacco is a significant issue for babies in terms of growth retardation, prematurity and those issues which then also put additional strains on families and the child long term.

In terms of alcohol, in our submission, which reviewed what we have previously put to the committee, we highlight the need for an expansion of youth services that address the issue of alcohol as well as other complex mental health issues in Aboriginal populations. We run a number of programs which I am happy to go through, but we have provided them to the committee previously.

In addition, the second part of your question was more broadly around the mental health services that are available. There has been a lot of work done in ensuring a stronger Aboriginal workforce delivering mental health programs. That has been quite successful in the recruitment of Aboriginal workers and involvement, and a preliminary evaluation of that has been quite supportive. Clearly there are always issues of access to mental health services. The key theme is that we really have to offer them in partnership with the community. There is still a long way to go in us adequately addressing the mental health needs of this community.

Mr PERRETT—This is as much to the rest of the roundtable as to Ms Miers. You talked about dealing with it at conception, and obviously the chief health officer has talked about prevention prior or during that event. What do you mean by that?

Ms Miers—Firstly, by educating women so that they understand why they might be being told that alcohol is not good in pregnancy and, secondly, by addressing the determinants of health that might lead to women not being able to give up alcohol during pregnancy—issues like poverty, homelessness, domestic violence, loss of culture and land. There are a range of health determinants. I do not believe any woman deliberately sets out to harm her child; but, if we have not addressed the issues in her life that might not be right that are leading her to use alcohol in pregnancy, then we are never going to address foetal alcohol spectrum disorder. There needs to be a lot more education.

The NHMRC guidelines say, ‘There are no known safe levels, so the safest choice is not to drink at all,’ but I am hearing women in the media saying, ‘I’m not having someone tell me what I can do with my body,’ because we are not educating them about what alcohol does and why we are saying ‘no alcohol in pregnancy’. We are not telling them that there is really no safe level according to animal studies. I am hearing about funding money still being given out to try to determine a safe level for drinking alcohol during pregnancy, and I cannot work that out for the life of me. We do not try to do that for smoking. Why are we trying to do it for alcohol? It is a known teratogen. I think we need to have a much better public health message around alcohol and pregnancy, with a lot less money spent on trying to find a safe level of alcohol in pregnancy and a lot more money spent on trying to help those women who have already given birth to a child that is affected, and putting in interventions and supports for those women.

Dr Chant—Clearly, alcohol is a key determinant of a number of impacts on Aboriginal communities, as it is in non-Aboriginal communities. The NHMRC guidelines have provided an incredibly good platform to start having that debate in the community, and I think it is an important debate in that we have to get the information out about the harm associated with alcohol.

Ms Scott—There are some very good programs in Australia that are providing that early intervention. In Western Australia, just to name two, there are the Wyndham early childhood program and the Warmun early childhood program. They have both been evaluated. It is all about early intervention, prior to women becoming pregnant, from conception onwards. It is about what the mother needs but also what the child needs. Kerry was talking about home-visiting programs. South Australia has an excellent home-visiting program for Aboriginal and other vulnerable families, with 34 home visits in the first two years of your life. That is the kind of program we need in many communities, for Aboriginal families but also for non-Aboriginal families that are vulnerable. Those are the programs, the evidence tells us, as Andrew said, that make a big difference.

Can I just make a comment about mental health. The mental health of children and young people is a national issue, but it is not a priority for any state or federal government. It is not about early intervention in terms of psychosis at 14-plus; it is actually about the relationships between parents and quality attachments between parents and children. This is really important because, generally, we are not responding well to and dealing with the mental health problems and wellbeing of children and young people in providing specialist services. But, in the forensic criminal justice context, there are very few services that are provided nationally. There are some in Victoria and there are some here in New South Wales, but elsewhere such services are negligible. One YMCA report I saw recently said 88 per cent of kids in detention have mental health problems—yet we do not provide specialist mental health services.

Ms Gaskin—I am a child and adolescent forensic psychiatrist so I am probably the best person to comment on that and talk about some of the things that we do know and some of the things that are happening in NSW Health and in justice health particularly. One comment on the alcohol issue: last year's Australian of the Year ran an international youth mental health conference, which was the first youth mental health conference. In fact, at that conference, most of the people who spoke indicated that most disorders have their onset in childhood, not in adolescence; that substance use is a significant and major issue in most of the problems that we are talking about today; and that preventing the entry into substance abuse is about early intervention, not about intervention at 14, because most of these kids are exposed to substances from a very early age, not only in utero but also in childhood.

There are a lot of reasons why they go into substance use much earlier. In fact, in our in-custody health surveys most of the kids that we see in custody are using substances. Ninety-odd per cent of them are using substances and about 70 per cent have a substance use disorder. Of those that were surveyed in 2009—and that report has not yet been published but hopefully will be soon—most are saying that they had already started using significant amounts of substances before the age of 12. So their contact with the criminal justice system, their contact with mental health services and their use of substances are all intertwined.

I want to make four main points. The first one is that the commission will have a lot of information about antisocial behaviour. There are lots and lots of studies around antisocial behaviour and its persistence and nonpersistence into adolescence. What a lot of people have already said is that some of the best interventions, which have been shown to have a significant impact on antisocial behaviour, are early interventions in parenting. The problem with those is that very often they are not culturally sensitive. They are not funded appropriately for families that cannot access them. The problem that has been shown in a lot of studies, particularly out of

the UK and the US, is that, if you do not target those programs with people who actually understand the parents they are working with, the programs will not work as effectively. So we can have the most effective parenting program, but if you ask parents to attend a group where there are X number of white fellas and a couple of Aboriginal women they will not come, and if you go to them out there and try to take some white psychiatrists or some white psychologists without the knowledge and understanding of the culture they will not be able to effect the appropriate change. So we need to work with Aboriginal people to get them on board with that training and make sure that they are trained and working effectively with the specialists in those fields. An important part of that research is that, yes, it works, but it only works if you can do it in the most effective way. So we need to be looking at that and funding it for those populations that we cannot get to a centre that runs a parenting program.

The second thing I want to say is about trauma, which has not been mentioned a great deal. We had some vague statements about child abuse, but one of the major things that we saw through the Young People in Custody Health Survey, and also what is coming out of international research, is that the kids that are in contact with the criminal justice system not only are traumatised early in their lives but are repeatedly traumatised throughout their lives into adolescence. Young people who are in contact with the criminal justice system are much likely to be assaulted by other young people. Not only are they assaulting other people; they are being assaulted themselves. They are much likely to be the victims of crime than anybody else. The people most likely to be victims of crime, particularly violent crime, in our society are actually 16- and 17-year-olds, not adults. Not only do we need to address those issues of trauma from an early age in looking at what we can do to reduce child neglect and abuse—neglect being a particular problem for those young people in contact with the criminal justice system—but I think we also need to address what we can do once young people come into contact with the criminal justice system and not say, ‘Well, it’s too late.’ I think a lot of people agree that early intervention and prevention is the best way to go. But there will still be a lot of things that we can do once people are in contact with us.

One of the things that we try to do in Justice Health, which we have been funded for by a combination of New South Wales health and also the Indigenous health national partnership agreement, is court diversion. We have court clinicians who sit in the courts and actually see young people who are referred to us by a multitude of agencies, by themselves or by the families. They do an assessment on the day and try to advise the court where there might be a diversion from the criminal justice system available to the young person. We try to link them up not only with mental health services but with child and family services and NGOs that might provide some input. We have had a lot of success with that. In fact, in the last two years we have increased the number of Aboriginal young people that we have been able to include in that program.

The other thing I want to talk about is interventions.

Mr PERRETT—Excuse me, Dr Gaskin, can I ask you if that would be irrespective of whether they were in the care of the state or in the care of their parents?

Ms Gaskin—It is if they are coming into the Children’s Court. We have clinicians now in seven children’s courts at various times during the week—not every day in every court, but we

are hoping to expand as well to another three of the children's courts, where the Children's Court magistrates sit. That is available to anyone who is in the Children's Court.

Mr PERRETT—Whether mum or dad are sitting there or not.

Ms Gaskin—If there are matters that are District Court level, obviously then they cannot be part of that program, because they have to be divertible under the forensic provisions act of New South Wales. The other thing that we try to do is interventions once young people do come into custody. We try to make sure that they get what they probably should get in the community, which is a gold service assessment. They get an assessment not only by our very skilled RNs but also very often by the psychologists—who work for juvenile justice and not health—and also by a psychiatrist or one of our clinical nurse consultants in mental health, if they have or are suspected of having mental health issues. So we pick up a great deal of things that are not picked up out in the community, or we pick up things that have been but those young people have fallen out of contact with services.

When I came here five years ago, one of our major problems was linking young people back into services when they left custody. As most people know, most of the kids who come into custody are only there for very short periods of time, which is a good thing but it also makes it difficult to arrange services for them. We were lucky enough to be funded for our community integration team. We now have 11 clinicians working across New South Wales in various areas who can work with young people for up to six months, trying to get them to their appointments, making sure they go to their GP, they pick up their medication, they go to the AMS and they go to the psychiatric services where they are available. We still have a lot of problems where the services that they need are not available, particularly out in the rural settings. Bourke at the moment does not have any psychiatry services for child and adolescent mental health, which is very concerning, and there are other areas where there are no services. So we are trying to expand services to as many parts of the state as we can.

One final thing I wanted to say—there is lots I could say; I could go on all afternoon but I will not—is that research is only as good as the population that you are researching. Unfortunately, if you look at those research documents that will be before you as a committee, you will find that most of them do not include very many Indigenous young people. The difficulty we have is finding out exactly what those persistent factors are that cause people to come into contact with criminal justice—those antisocial behaviour determinants, the heritable things, the things that are about shared environments, the things that are about non-shared environments. We have to look at that population as a separate population as well as part of the general population, because they will have specific factors. We need that research to be funded, accepted and not be a problem. Researching the offender population is also very difficult in terms of consent issues.

Proceedings suspended from 2.27 pm to 2.41 pm

CHAIR—David Tierney, you are at the coalface. You are a senior programs officer, and I am very interested in hearing what you think works best and what your take on these difficulties and challenges is—on what programs there are in terms of education, empowering families and mentoring, and also on sporting programs; we have had evidence this morning on sporting programs, funding for sport and also PCYCs and other things that have also been beneficial.

Mr Tierney—I will answer that question in two ways. My first response will be a work response, and then I will give you an individual response. From an out-of-home care perspective, which is where I am at, I think strengthening Aboriginal community control of out-of-home care organisations is the way to go. Strengthening and supporting those community agencies will have a flow-on effect of increasing the number of Aboriginal carers. There has now been enough evidence to suggest that Aboriginal kids that are removed from their homes and go to Aboriginal families do much better than those going to non-Aboriginal families. So that is something that we would put up straightaway: we need to really strengthen the local Aboriginal community controlled organisations. We found that Aboriginal kids that are going to non-Aboriginal families are more likely to have contact with the justice system. That is fairly self-evident, I think.

Mr PERRETT—Sorry. Does that contradict what the person sitting next to you said earlier?

Mr Tierney—No, she said exactly the same thing about strengthening the Aboriginal community controlled organisations. It is exactly what Muriel said.

Mr PERRETT—So if the change of cultures is the problem rather than the troubled home environment—

Mr Tierney—I do not think they are connected. I think that there are always going to be troubled home environments wherever you are, in non-Aboriginal or Aboriginal communities. What I am trying to say is that if we are taking the Aboriginal kids away from their communities or their families then we certainly need to be looking at strengthening and making more accessible Aboriginal families to look after those kids. It is bad enough for an Aboriginal kid to be taken away from their family, but it is also bad for them to be taken away from their community because they have that connection—the cultural connection, the physical connection and the spiritual connection—to that community where they are from. So taking them from an Aboriginal family and putting them in a non-Aboriginal family is devastating, but even moving communities is another devastating aspect. So that is that part of it.

There is another thing I want to say. It is a bit radical and left-field, I guess, and it is different to what everyone else has said. I have heard a lot today about what programs have been conducted and how successful they are or how they are not working. You guys are looking at a way to reduce the number of Aboriginal kids going into custody or offending. This is a pretty radical view and one that I provided to a former Prime Minister about 20 years ago. That Prime Minister looked at me and said, ‘Dave, how do we do that?’ and 20 years ago I did not know how. Maybe I do not know how now either, but I will just put it to you anyway. The issue, as I see it—this is an individual view—is of engagement and social participation for Aboriginal people in this country. If you will bear with me, I wrote a bit of a paragraph when I was listening before, so I might just read it.

When the community accepts and embraces the Aboriginal community as the first citizens of this country and promotes the diversity and beauty of the culture, then we will begin to see real change. Intensive social inclusion and participation for and by Aboriginal people will create change. The psychological damage needs to be healed first.

This is a politically radical idea that may not get votes but, considering that nothing else has worked, why don’t we look at that? Since 235 years ago, Aboriginal people have been disengaged—they have not been part of the fabric and the structure of this country. A case in

point is that two days ago the majority of this country celebrated Australia Day. In New South Wales, the day is called 'Invasion Day' or 'Survival Day'. That shows that 235 years later it has not worked. I use words like integration and assimilation in the way that I talk to a lot of people, and what this country needs to realise is that Aboriginal society in Australia is so diverse and so different. From a New South Wales-only perspective, because that has been my only jurisdiction, the diversity amongst the Aboriginal people is incredible—you have professionals, you have professional public servants, you have doctors and lawyers and then you have people who have grown up on missions and had no access to the wonderful beauty that this country can provide.

What Patricia touched on was that Aboriginal people are definitely refugees in their own country. The psychology around that must be incredible—to know that this was your country and then there was a colonisation—and there has been total social disengagement from that point on. Another thing Patricia mentioned was that we need to get rid of the bad news stories on the front pages of newspapers. There is a newspaper in New South Wales called the *Koori Mail*, which is a national paper, and the majority of the stories in that paper are good news stories—it is promoting good education outcomes and it is promoting good health outcomes. To change things in this country we need to change the perception in the wider community of Aboriginal people.

Mr PERRETT—Unfortunately, nationalising the newspapers is not part of our brief.

CHAIR—My side of politics tried in '49—with the banks!

Mr Tierney—Not that national! There needs to be a change in perception. I get the feeling that among a lot of people there is a perception of weakness with Aboriginal people when the reality is that Aboriginal people are not weak at all; they are so vitally strong culturally and spiritually, and the breakdown of their families is something that is totally against what existed in this country for 40,000 or 60,000 years. That is my take on how things could change. I do not have the answer as to how the government can promote that—and I wish I did—but we have to go past all these programs and all the current ideologies and get back to what really affects people.

To get back to the present, there are a range of programs that we have—and I am only speaking from a New South Wales perspective—that are engaging people. The New South Wales government has been really—

CHAIR—I am glad this is not the House of Representatives Standing Committee on Health and Ageing, because we have just put all of these in front of it.

Mr Tierney—And it is no good for diabetes! There are a range of programs being conducted in New South Wales that are engaging Aboriginal communities. The department of Aboriginal affairs in New South Wales is trying to do a job of engagement with communities and the government, but in my view it is not going to change until there is acceptance and embracing of the Aboriginal people in this country. I do not know how that helps you guys—the former Prime Minister did not know how to do it either—but to me that is the underlying issue.

CHAIR—We would like to hear now from the families commission.

Mr Glasgow—I am an independent commissioner appointed by the Governor in Council. I report directly to parliament through an advisory board consisting of the Director-General of the Premier's department; Dr Jeff Harmer, who is Jenny Macklin's secretary; and Noel Pearson. I want to say at the outset that it is a Noel Pearson initiative that has been accepted by the governments. Noel is not as popular in places as he would like to think, at times. It is a process which I am obliged, by my act, to implement.

I have heard much, this morning, about the services that you would each like to have in your communities and I can tell you that we probably have all of those. We are part of a \$48 million state and federal government initiative called welfare reform. We are only a very small part of that but in my communities—each of the four that I represent today and which I sit in—there is a state health clinic; a wellbeing centre established by the federal government; a parenting program; a family income management program, which is a budgeting program; and school case managers who go out to attend to any student who has not turned up.

We sit as a result of any trigger notices. There are four trigger notices. If a person has a child in their care and the child has not attended school for three days without a proper reason we get a notice. If a person is the subject of a child safety notice we receive a notice. If a person has a defect notice in housing, rent or of misbehaving in a house we receive a notice. And if a person has been convicted of a Magistrate's Court offence we receive a notice. Each of those people receives a notice to attend if they fall within the jurisdiction and they sit before a commission of three people: me and two Indigenous commissioners. There are six commissioners in each community. One of those Indigenous commissioners chairs the meeting. In Aurukun it is all conducted in Wik-Mungkan and they translate for me where necessary. They make the decisions. The decisions have to be majority decisions. If they are not majority decisions the response has to be recorded.

Our objects and our priorities are: early intervention and the wellbeing of children, to raise local authority in each community, and to help the community re-establish some reasonable social norms—such as, it is the norm to go to school; it is the norm not to drink at home; it is the norm not to have pornography at home, and those kinds of things. Then we assist the community as a whole—we deal with the whole family of those who come before us—to make decisions about their future. Basically we endeavour to have people enter into an agreement to attend certain programs. It may be to attend an 'ending family violence' program conducted by corrections, to attend FIM to get a family budget together, and to liaise with the school case manager to get their kids to school. If they fail to comply with that agreement within a reasonable time they get a show-cause notice and if they fail to comply with that they are income-managed.

We have approximately 2,000 welfare recipients in our area and we have approximately at the moment 200 people—10 per cent of the population—on income management. That includes about 20 people on voluntary income-management programs. They are not all completely effective. Some of our clients are in jail and some of them are defying us by giving up their welfare moneys, sitting around and saying, 'We're not going to do anything about it.' I am happy to wait them out and so are my commissioners.

Basically, we are in our fourth year of the process. We started in August 2008. There have been some positives and it is not solely because of the commission; I can tell you that it is the

local people—the NGOs on the ground—working together. The gentleman from Western Australia talked about silo mentalities of the departments, which we really have had to overcome. His address was very much the subject of a report I sent to the Premier and Jenny Macklin in the first year of operation. I told them that this was happening and I have to say that both of those ministers shook up departments and we really got some good responses. One thing that is really important about it is the integrity and standing of the local commissioners. Without that it just does not work.

In 2008, we had school attendance rate of 37.9 per cent in Aurukun. That is from the education figures. For term 4 of last year and for the full year, it was up to 64.8 per cent. It is a school which runs pre-prep to year 10. I have to tell you that years 8, 9 and 10—which were part of a whole process of neglect over that period of time by parents and others—school attendance rates were pretty poor. That level will eventually be taken out of the school and most of those children will be offered some assistance with distance education. The government is proposing to build—it is being implemented this year—a residence in Weipa. A vast number of children go to boarding schools throughout Queensland. One of my commissioners has two children at Clayfield College in Brisbane. So a wide variety of schools are available.

I invite you to look at the KPM review which was published last year. It looks at the establishment of the commission. It also looks at how we function and how our service providers have dealt with that. I have to agree with the lady at the end, a psychiatrist, who said that a number of the psychologists who come out to the community are really not prepared for what they come into, particularly in Aurukun. That wellbeing centre is being run by the Royal Flying Doctor Service. They are still working on a fly-in, fly-out basis, which does not work in the communities. It is not looked upon well. However, some of those communities are working very well.

The Hope Vale one has been work exceptionally well. There has been a reduction in the amount of violence. One of my commissioners worked for 27 years for the health department, and she used to tell me how Monday morning was the busiest day of the week because over the weekend the violence was fairly significant. Now it is the quietest day of the week. I think that has to do with a whole lot of people coming on board with this welfare reform and trying to give this pilot a shot—and it is a pilot. It may be that, because we are intense about it, we are getting these results. But it does seem to me that you to have attach everything house by house. It is no good dealing with one group of children who are not going to school. If I find that one person is not sending their children to school and that there are more children in that house, I will deal with the house because it is to do with the behaviour of the people in the house, the lack of water in the house and a whole lot of other things.

I find my colleagues, the Indigenous commissioners, to be amazing. They are mainly women, I have to say. In Hope Vale, we have an equal number of men and women. In Aurukun, we have mainly women and one man. In Coen, we have an equal number. In Mossman Gorge, we have one male and three female commissioners. The women are determined to use this opportunity for change. They are resolute. They have stood up to enormous problems in the community, including being assaulted. They have been forthright in bringing their own families forward first. I noticed that one of them, Edgar Kerindun, had three of his brothers coming in for drink related offences. We talked about conflicts of interests. He said, 'No, this is the only time they will listen to me.' So we did what we had to do. They are very quick to issue a BasicsCard to people if they

have failed to comply but they are very tolerant about giving people time. They will give them extra time to do comply.

The figures that I have are yet to be released. They have to go through the board and a government process. My quarterly report to 31 December will be out soon. All the other reports, including my annual reports, are on the website. We are putting up some detail about how we operate. Of course I am biased because I have been running the process and I have been very reluctant to allow myself to get into a debate about being compared with the Northern Territory system. This project is a trial. It has to have an end date. It has to be assessed. The current assessment is to determine the effectiveness and the timeliness of the service providers' delivery of services to clients. There has been bit of problem with fly-in, fly-out and retention of staff, and I have been very sympathetic about it.

We actually did not get a lot of our service providers underway until midway through 2009. There is some suggestion that we may be extended a year, but that is going to be subject to budgetary requirements and submissions by the various people. It is a very costly business if you provide all those services on the community. So to attribute the increases in Mossman Gorge, which has been nearly 20 per cent, and Aurukun, which is 27 per cent, to us is wrong. It is getting parents to understand their obligations, and it is supportive of them.

Finally, I just need to remind us all that we are not talking about parents at the moment; we are talking about carers. It soon became very evident to me that the vast majority of older children, between nine and 14, were not with parents; they were with grandparents, cousins, aunts or whatever. People have been brought up and often given to parents—or to carers, rather—who do not have the strength or the good health to be as significant in the community.

Police have been very good. They work very well together. I have to say that Commissioner Atkinson has been very supportive of staffing levels and so forth. We have tried to avoid having police officers in school, but as you get more and more children to school who have not been at school we get more and more problems on the school grounds. To talk about those things—foetal alcohol and other issues—we have encouraged the academy which has now taken over running the school in Aurukun to employ school nurses, and it has employed a school nurse in both Aurukun and Coen this year. We have had consultations with the local psychiatrists, and they are going to set up a process of reference so that the school nurse might be able to at least make some observations.

The teachers are really significant. You have to really give full marks to the people on the ground. We work pretty well together. We are now developing an intensive case management system for 10 people in each community so we can transition them through. I just want to end up with that, because one of the ladies is looking after seven children and living in her brother's house, which, we found out, did not have running water. We income-managed her because she could not get her kids to school. We are now looking after that, not to do it for her but to try and help her through the process. The person from the council needs to get back to her. She has done it five times. Why isn't the water connected? It was interesting, because we asked her what her goals were, and I thought how simple they were. She really wanted to help some of the children back to their natural parents, she wanted to get a decent hair perm and she wanted to do a TAFE course. They were her goals in life. Surely we can do that for people on the communities.

What we hope to do in setting up this back-to-family pathways process is to get all the NGOs on the ground to be part of it. When we stop, that can be taken over by somebody else who can take a group of people from the community and transition them through. That is done only with their consent and with their general agreement.

I am happy to answer any questions. I am very supportive of all of what you say around here. I see lots of the issues of juvenile mental health and difficulties with youth justice. But I have to say that since we have got kids to school there has been less violence by the older kids in the school. Since the older men have come out of jail into ending family violence programs that they have had to sit down in and go through, that has had an effect. Initially the Magistrates Court convictions increased, so I went to find out why, and we found out that people were dobbing people in. My commissioners were ringing up and saying, 'This car's going to Weipa to bring the grog in.' The other thing is that child safety notices increased, because the child safety people came on board and worked very comfortably with the commissioners, and they used to get the feedback. They would be saying, 'You really need to remove this child, but let's see if we can find someone in the communities.' We work actively to try and reunite children when we can. Commissioners will say: 'These two are misbehaving. They had their children taken off them six months. They're on the grog. They're on the ganja. We need to bring them in and get them started on a rehabilitation program.' So, provided we have a trigger notice for them, we can do that.

Finally, on the income management issue, I was very concerned—because we do it for 12 months—that it should not go on forever, so we do a review. After three months, we do a review to see whether people are actually doing anything. We ask them to come in. We do it after nine months as well because we want to know how they are going. I and my commissioners would rather have people doing programs than just simply being income-managed and leaving it at that.

If you look at the total, we have been at over 250 but we get them off the process. We are running at 204. I can give you the exact figures. One is awaiting a CDEP removal—if you are on CDEP and you get income-managed, you lose your job. What we do is that once they get notice of losing the job we say, 'We'll bring them in and let's see what we can do.' Eleven are in prison; 153 are actively managed; 21 have given up Centrelink; three are pending Centrelink action; and 15 are on voluntary income management. Out of the population it is not a huge number, and that varies.

Mr HUSIC—Just for the income management, are you able to repeat those figures?

Mr Glasgow—The income management?

Mr PERRETT—How many were there?

Mr Glasgow—I have them here. There are 204: 153 currently have BasicsCards that are active; 11 additional people are in prison, and that has happened recently; one is waiting for a CDEP removal; 21 are not receiving any Centrelink; three are pending action, which would be in the process of just going through; and 15 are voluntary—

Mr PERRETT—Those 21 just said, 'Too hard; we're just going to bludge off someone else'—

Mr Glasgow—Yes—

Mr PERRETT—or they have struck it rich with Lotto or something?

Mr Glasgow—It is reasonable to say that we do not leave them there; we irritate them and they eventually come in—not all but some.

Mr HAASE—Could you repeat the area that that covers please?

Mr Glasgow—I sit in Aurukun, which is just south of Weipa. I sit in Hopevale, which is north of Cooktown. I sit in Coen, which is in the centre of the cape but parallel to or on the latitude of Cooktown.

Mr HAASE—I have got it. I have a further question for clarification. What is the total population in the communities that you are active in, and therefore what would the percentage be of those on income management?

Mr Glasgow—About 4,000 total.

Mr HAASE—And 200-odd—

Mr Glasgow—About 2,000 receive some proper form of welfare payment, not just a subsidy amount.

Mr HAASE—So about 10 per cent.

Mrs GRIGGS—David, I am from the Northern Territory where the BasicsCard has been in use for a while. What I found was that the women actually like the income management and are very supportive; it is the men who do not like the women being income-managed. It would be interesting to see if you have similar findings when you review the people that you are currently income-managing.

Mr Glasgow—A number of women who have been income-managed come back to us and ask to be extended because they are really put upon by their partners. There are a couple where I then bring in the partners and income-manage them as well. It is amazing. We have all—to be frank around the table—suffered threats. How many times they have threatened to kill you—it does not really come around. But in the end people sit down and talk to you, and in the end they know that if they want to come off income management they have to do something about it. Principally, they have to look after their children. If they are on their own and they are drinking themselves to death, I cannot really stop that, but if they have kids in their care that is my concern. They have to go to school. They have to be fed. They have to be protected.

So, getting back to your answer, yes, there are a number of women who do that, and there are some people who manage themselves quite well and still want to sit on it. I have a problem with that. I bring them in and say: ‘Look, I have a Family Income Management service with a proper budget system. They can tell you how to save money. Really you should go down there and talk about it and start managing your affairs yourself, because this shouldn’t go on forever unless you

need it for some particular reason.’ So we try that, but, quite honestly, if people say, ‘I want the BasicsCard to continue,’ I allow that to happen.

It is the commissioners—I want to make it clear. I started in August. By December they were chairing the meetings. One of the recommendations I put up to the government which they have accepted is now for the commissioners to sit alone, because I think they are quite capable of doing it. The only restriction the government said was that they could not income-manage people. Unfortunately, I was ill up in Aurukun just before Christmas and I could not leave the building that I was in, so they ran the program and they income-managed a couple of people, and I was just on the phone.

I am very confident that they are balanced. They certainly have their conflicts of interest and they work it out fairly quickly. They are well respected in the community. They have their own uniform. They know when not to wear it. So, for instance, if there were advocating a cause, they are not advocating as commissioners; they have to advocate it as a person in the community. If I go anywhere, I address them as commissioners. It was quite classic when Commissioner Atkinson arrived and I said, ‘Commissioner, meet the commissioners,’ and it was all over the place, but they are commissioners. In that room they have to be dealt with respectfully. They are paid the equivalent of a government board membership, which is about \$490 a day to sit and appropriately \$200 for half a day. We put them in on a regular basis. In Aurukun I have at least four sitting because there is so much family business and clan business. So I will sit out and they work it out. I have had only one case where someone claimed a conflict of interest and he had a conflict of interest with everybody, including me. We just dealt with that—that was in Hope Vale. I have not really had a problem.

Mr PERRETT—My partner has been in frontline child protection for 21 years in Queensland. So I have heard stories of some of these communities. In one of them in particular—I will not name it—there was not anyone sober in the town to take someone into care when someone had to be put in care. You said initially the child protection notification went up.

Mr Glasgow—Yes.

Mr PERRETT—Has it gone down since?

Mr Glasgow—Yes. We get worried about statistics because we have to do them quarterly. They have gone down in the quarter ended to December and we are worried about that because they have gone down dramatically. And you can miss a month. Someone can be a little bit lazy in getting their statistics in, so we have to be careful. We often do that with court matters. They will be up one quarter and we will find that they have kept back several quarters.

Ms Sovenyhazi—We only pay a certain amount of attention to the statistics when it comes to particularly the Magistrates Court and child safety because of the way the court is structured in the communities—they are travelling circuits. You might have more circuits in one particular quarter than you do the next. Also, with child safety and other government departments, they are subject to resourcing issues so they lose a heap of staff in one particular quarter and therefore the submissions of notifications go down. So we are very mindful about how we report the ups and downs of the statistics.

Dr STONE—Mr Glasgow, in the first instance when the government was choosing the Indigenous commissioners, did they look at them in relation to their traditional standing in the communities, whether they were TOs or were recognised elders in those communities? How were they chosen?

Mr Glasgow—In each of the communities at that time there were justice groups and the justice group was a nominating authority. I had to get up a couple of justice groups and I got, for instance in Hope Vale, the council to nominate a group. Then I just went out and asked people to nominate in the community. They had to pass some fairly stringent tests. They could not have had a domestic violence order against them in the five years prior to the commencement. They had to have a clear criminal history check, although in Queensland we have spent offences. So if they had been naughty—and some of them had been in the early days and would admit it—but they had been clear for 15 years, that was fine. They had to have an insolvency check and a child safety clearance. If they did not get the child safety clearance, quite a number of them dropped out.

Initially in Aurukun there were five clans and the justice group said, ‘We’ll have two from each clan and they’ll only hear clan matters.’ I said, ‘That’s a load of nonsense but if that’s what you want, nominate them.’ So we called for nominations and we got eight nominations, not enough to do it. So we went through the process and from those who were approved we got six. We asked them whether they were prepared to sit across clans and they have. That is probably because these people were really recognised. For me to know whether they were elders in the community—I do not know. I did not even try that. I tried to get the community to put forward their nominees.

Dr STONE—Can I follow that up with a question to Leza. We were talking before about you working in communities where there is a real mixture of people from all over WA who come into your centre, so there is not necessarily the old understood gerontocracy with the senior males or senior women. So how are you managing your programs in identifying local leaders to carry through programs which often mean real leadership has to be exercised in difficult circumstances?

Mrs Radcliffe—In most cases it is, ‘Put your hand up, pretty please.’ In other areas people are asked to nominate other people. With the local justice forums, people were invited to attend and then from there representatives were elected. With regard to our Badimia court, it was voluntary. With regard to our women’s group and trying to address community violence, it is down to strong Aboriginal women who are prepared to step up and take a chance. It is really difficult. We try to stay away from the native title issue because of the level of violence in our community. Native title is the basis of at least two of the major family conflicts, so we do not use the recognised traditional owners unless it is appropriate. It is quite difficult to try to marry the two when you do need strong leaders. We are very short on strong male leaders. We have a population of around 6,000 Aboriginal people in Geraldton, which is my community, and we find it very difficult to get positive male participation in programs.

Just looking at some of the other programs in Geraldton, we have our midwest netball academy looking at sport being a positive grab to get kids back into school. That is a female academy. We offer netball and basketball. It is the only academy of its kind in the country that is managed and operated by an Aboriginal organisation. The important thing is leadership and

education attendance. When the program initially started, the average attendance for years 8 and 9 was around 35 per cent to 37 per cent. Our stats last year reflect a turnaround of almost 60 per cent, with 92 per cent being the average classroom attendance and active participation. So it can be achieved, but it is not always constantly successful given that we had quite a high incidence of violence coming from our young girls in our community in November and December last year. The media, as we have talked about time and time again, does major damage in highlighting and focusing on the negatives and not looking at what the community has actually tried to achieve because of the violence. I noticed that a couple of members laughed when we tried to ask the question, 'Can we stop it and get off the front page?' That was our Attorney-General's response when we went to him as well. I know that holding the media accountable is difficult but if there is any way, shape or form that it can be achieved in a small way that would help.

Social networking sites like Diva Chat and Facebook are the best tools kids have got to do major damage to each other. In the last 12 months in Geraldton alone we have had no fewer than 35 violent instances directly resulting from posts on Diva Chat and Facebook. The organisation that I am employed by, which is a not-for-profit organisation, provides mediation services. So it falls back to us to address those issues. But the social networking sites are great tools for kids who do not have access to computers but can access the internet via their phones. They are being used as weapons. These companies—Facebook, Diva Chat—are not Australian companies. I do not know if there is a way around the pie in the sky, 'you can't touch us' corporations and businesses but with business legislation and laws in this country surely we have some way of tapping into the social networking sites and restricting the access of who they can get to.

CHAIR—You mentioned a basketball academy; how successful were the sporting programs?

Mrs Radcliffe—In the netball we had three teams in the mainstream competition. We had two teams get to the finals and one team just missed out. Basketball is still going. It is due to start next month. We have only been offering basketball for the last 12 months. Attendance, community participation and leadership are all qualities that the girls are assessed on. Linkages to elite programs and things like that are a mainstream aim of trying to get the girls there. We do not have any big stars yet but we are working on it.

Mr HAASE—Commissioner, I want to ask you a question. You have been talking about the nexus between income management and school attendance. I am interested in what your perception of community response to your program is generally and whether you are aware of it. Well before intervention, some years ago now, there was a proposition put in Halls Creek because of very poor attendance—overall about 51 per cent of formal time was being spent at school. By word of mouth it became apparent to members of the community that there was going to be a radical change and that welfare would be directly affected if kids did not attend school. The first semester of the next year additional mobile classrooms were required because attendance went up to 81 per cent. A complaint was then lodged through Commonwealth welfare that this was not only erroneous but illegal and the children left the school in droves. What is your perception, as commissioner of this program, of the public's response to income management et cetera? Is it something that should be pursued more or only used in the most extreme cases? Give me some sense of what you see the public response as being.

Mr Glasgow—Generally it is thought of as a weapon, I suppose, and used as a stick by commissioners. One of the interesting things that we have found is that you will often have a carer—and I can think of several—who are the grandparents, and they will have three children in their care, two of whom regularly go to school and one does not. We need to get to the knowledge of why the child does not want to go to school. What is the point of income-managing that person? Really what we have been trying to do in that case is get someone to see that child to find out why they do not go to school.

There are a number of people who just tell us that they are not going to do anything. It largely depends. There are a great number of males Aurukun, even though it is a dry community, who get alcohol or drugs regularly. It is regular for many of them to stay up most of the night watching DVDs or whatever and getting up around 10 o'clock or 12 o'clock in the morning. That obviously is not conducive to getting kids to school. So I will bring in a whole group of people. Even though mum might be living with grandma I will bring in the father and say, 'You have to do something as well.' So, yes, I will use it as a weapon with them and they do not like it. The males do not like it and they try to get out of it. So the commission says, 'For this week, you be the responsible parent taking the kids to school.' We are gradually getting that. I think people look at it as something they do not want and they try to get out of it. It will be interesting to see what happens this term in Aurukun because last year I had in every carer of every child in Aurukun and I made it clear to them that this year if they do not have their kids to school and they do not have proper reasons they will be income-managed. They have had plenty of notice.

Out of that, a lot of the parents came along and said, 'Here's my youngster, and he's all over the place; we can't control him.' We are finding out what is happening to some of these children, so we have to be careful to find out whether the kids are suffering from some sort of disability. I am not there to punish the parent; I am there to find out what is happening to the children. So we are now working very closely with the school case managers, who will go out to the household and find out, basically, what is happening in that household. It may very well be that there is a death. When there is a death in Aurukun, wailing goes on, and it is disruptive for everyone in that vicinity, so it will stop kids going to school. So we have to have reasons. You accept the reason that they cannot go to school because they have not been able to sleep. So it is not easy to make a one-off answer to it.

To go back, I think that most of the people of Aurukun do not want to be income-managed. They look at it as a weapon for us, so they will try and comply. I think that has assisted with these calculations—these figures. These figures are accurate. We now have them conducted by the academy and by the case managers, and they are double-checked. If you are more than half an hour late for school, you are absent and you are not regarded as present. So these figures are fairly solid. They are that 64.9 per cent of kids are at school for the full day.

The issue that they are going to do this year to assist is that they are bringing in a pilot called 'Club'. Noel Pearson explained to me that he wants people to learn English. They have to compete in the outside market. They have to be able to compete for jobs. They have to learn to read and write. They have to be able to read signs. They have to do all those sorts of things. Lack of numeracy and literacy for kids from about 15 to 22 is endemic in Aurukun. So that has to happen, but also the language has to be taught. So in the afternoon, when school finishes at 2.30, it goes on for another hour, and this year they will have 'Class, Club and Culture', which will be language and traditions; it will be the weaving by the women and the making of spears—God

knows what is going to happen to them, but anyhow. It will be those sorts of things. The academy, which the institute now controls, will have placements into outstations during each semester for children. So it is generally to try and encourage kids to school.

So it will be interesting to see. Certainly figures have been all over the place during various semesters. I thought they were progressively going up, but they dropped off in term 3 this year. When we analysed it, it had to do with some very significant funerals when kids were away from school for a week and all these sorts of things. So we now have a funeral policy—how many days you are allowed to be away, and then you have to get permission for the other period. That has been developed by the Indigenous people, not by me. So we are trying to implement a system which takes those things into account. Really it is the commissioners. I go to them and say, ‘What do you think about this?’ and they will go and talk to people and come back, and then we will consult widely with the community. Aurukun has a council; Hopevale has a council. The other places have various groups.

Dr STONE—Professor Somerville, in Western Australia you have obviously had a lot of experience with truancy, both Indigenous and non-Indigenous. But can you tell us what you have observed in Western Australia. What are your trends? For example, are there programs doing things like looking at how much pornography is in some of the communities and what impact that has on younger children and their ability to sleep? Can you give us your experience. We have heard some excellent results in Queensland. Are you doing similar sorts of things?

Prof. Somerville—We are doing many things similar to the ones in Queensland, but let me make some global comments first. First of all, many of the issues we have spoken about this afternoon have to do with people being poor. Because of the over-representation of Aboriginal people in that area, we get an over-representation of the issues, and consequently we think they are Aboriginal issues and not about being poor. There has been some conversation around our culture. Certainly, with Aboriginal people and the impact of government policies, we have seen a disintegration of our culture. In many aspects, if we look at the Canadian experience, it is very similar to the Australian experience, and there are some things to be learnt, I think, by looking at what the Canadian government has done over the last 10 years to turn around education outcomes.

With regard to education, there is no doubt that there is an absolute correlation between a child failing at school and a child entering the justice system. Over the last six years I have led the writing of the *Australian directions in Indigenous education* paper and just recently the new national Aboriginal and Torres Strait Islander education action plan that COAG is hopefully about to sign off on in the next couple of weeks. Within those negotiations, what we found was that the issues across all jurisdictions, across all states, were the same. The contexts were very different. The issues in education for us are about not getting kids ready for school. In Western Australia—I will use the Western Australian experience—we find that about 50 to 60 per cent of the Aboriginal children are not ready for year 1. It is interesting that around 50 to 60 per cent of Aboriginal children are not ready for high school—year 8—as we see through the NAPLAN results. You do not have to be a mathematician to think there is probably a one-to-one correlation.

We are not getting Aboriginal children to school. Attendance rates are an interesting personification, for want of a better word, because we as departments can hide behind them. In

Western Australia the average attendance of Aboriginal children is 80 per cent; the average attendance of non-Aboriginal children is 90 per cent. Consequently, you would say ‘that ain’t bad’. The reality is that we need to look at regular attendance—that is, children attending school regularly. Regular attendance is defined as 90 per cent of the time or more. Below that, a child is at risk of failure, and is at risk of lots of other things—entering the juvenile justice system and so on. That stat comes from Queensland as well as our own Telethon Institute, through the Western Australian Aboriginal child health survey. In Western Australia, 35 per cent of Aboriginal children attend school regularly. So there is a significant issue for us, and that is the same across all jurisdictions. We have taken our eye off the ball.

As well as that, Aboriginal children across Australia do not achieve in literacy and numeracy—one might say it is because they do not attend school—and also are not retained to year 12 in the same numbers as non-Aboriginal children. There are programs that have been put in place that we are seeing have been successful.

The other thing that we are not doing is engaging Aboriginal parents in the educative process. That does not mean going to a school council; that means getting their children to school, being involved in literacy and numeracy, reading and so on. We are not ensuring that those Aboriginal parents are involved in the cultural aspects of being Aboriginal. Noel Pearson and a number of people in Queensland have come out with the Stronger Smarter philosophy, about being stronger in your culture and smarter at school. There is a lot in that, because the last thing we need in our school system is Aboriginal children turning out to be white people, not understanding the Aboriginal system or being proud of their own culture. So we are not doing that. What we are doing is blaming the kids and saying we have a set of children who are failing our system rather than saying we have a system that is failing the children. We need to turn that system around.

One of the interesting aspects of that is that in WA—and it is the same in other states—the further away you are from a major city, the worse your outcomes are. With non-Aboriginal children it is about your socioeconomic status. The worse that is, the worse your outcomes are. It is not the case with Aboriginal children. It is the further away from a major centre you are, which is very interesting. Why is it so? We put it down to attendance. Attendance gets worse the further you get away from a major centre. Commonwealth government investment is lower in rural and remote areas than it is in metropolitan areas, and we as a state have been fighting that along with the Northern Territory and Queensland for some time.

So there are a number of issues there but, to answer your question with regard to what is working, we have had a number of programs that have had outstanding outcomes. There is one called Follow the Dream: Partnerships for Success, which is a program that Rio Tinto is involved in with us, along with the Polly Farmer Foundation. So there are a number of very large philanthropic and industry groups. The program looks at supporting Aboriginal children from year 8 through to year 12 to ensure they get a TER. We have turned that around in 10 years. In 2002, two Aboriginal children got a TER that got them to university. Now we are averaging 30 Aboriginal children with TERs who move to university—and with TERs over 90, which will get you straight into medicine. So there is an enormous switch that we have seen over the time. Nearly 300 Aboriginal children are getting a Western Australian certificate of education due to those programs, and the programs are successful because they involve the Aboriginal community. Parents are completely involved in it. They have very high expectations, so children

are expected to finish and do very well. We ensure that teachers understand and the cultural aspects are set into place.

That is one of many. We have run an Aboriginal pilot training course for pilots. Those young pilots are now flying you around in aircraft. With pilot training there is usually a failure rate of over 70 per cent. Not one of our Aboriginal pilots failed. They are all fully trained to ATPL level. High expectations do make a difference when young people are expected to move through the system. We have lots of good examples, but I go back to what I said at the beginning: the reason these are successful is that they are Aboriginal ideas led by Aboriginal people, involving face-to-face and shoulder-to-shoulder support by non-Aboriginal people. We cannot continue as a nation to have non-Aboriginal people leading Aboriginal affairs.

In Western Australia, we are still in 1811. We have a non-Aboriginal person leading our Department of Indigenous Affairs and a general as the major person providing us with advice. My god! It should be an Aboriginal person supported by an Aboriginal person, and the general and the other person working shoulder to shoulder with them. That is where we must start to see some change. We are the ones who are going to change it. As a strong recommendation, that is where we need to start: Aboriginal advice and Aboriginal leadership. I hope that answers your question.

On the pornography side of it, yes, we have Net Scan and a whole range of things to keep it out of our schools. Most of our schools are the hub for all of the internet connections because it is so sophisticated for an entire remote community.

CHAIR—Sue.

Ms Miers—It is great to hear that there are some really great things happening and that we are increasing the rates of Aboriginal attendance at school and literacy and numeracy. I am still concerned about the percentage who are not getting there and the fact that we are still leaving them behind, and that some of these programs have an expectation that there has to be this mutual obligation thing: ‘If this doesn’t happen then that doesn’t happen’. Families experiencing foetal alcohol spectrum disorder cannot take responsibility for actions. They cannot follow through and they cannot do some of the things that are being asked of them. What we need to do is what they have done in Canada in some communities there where they know there is a high incidence of alcohol use. Through some of the people who have contacted me—at Aurukun we have some of this—I know that children who are affected by alcohol are not being assessed. They are not being put into the right programs. They are probably being mismanaged and they may even be being put into programs that are going to actually exacerbate their condition because the people working with them have not had enough training. That is what I am concerned about. We are still talking about large numbers of Aboriginal kids who are not making it. It is like ignoring a child who has paraplegia and not giving them the wheelchair and the ramps. Not putting in the supports that are necessary for a child with foetal alcohol syndrome is to ignore them. It is not okay; it is a human rights issue. We are hearing a lot of fabulous stuff, but we are still pushing stuff under the carpet.

Prof. Somerville—FASD is a major issue now for us. A number of my staff went to Canada with regard to this issue. As you know, in WA it has been misdiagnosed as ADHD and a range of other areas. We are beginning now to move this forward as a major issue in education for

Western Australia. The funding is always going to be an issue for us. But this problem will not go away; we need to do something about it. Our schools are screaming out for support. As you know, in Fitzroy Crossing, for example, there is a lot being on FASD at present. We are moving that forward very quickly.

Ms Miers—It needs to be.

Prof. Somerville—Please be assured of that, and we would love to see more work.

Ms Miers—Please excuse me, I have to go and catch a plane.

CHAIR—Emilie.

Ms Priday—I would like to take a moment for us to have a think about some of the broader, big picture policy issues. I want to return to the Closing the Gap targets. It is something that we believe really needs some serious action in terms of addressing juvenile justice issues. At the moment, we have Closing the Gap and a whole heap of targets in terms of education, health and employment. Yet we do not have anything around criminal justice targets. When we are looking at the overrepresentation that we have, it seems crazy that we are not including that. It is really important for us to put this forward to the committee as a Closing the Gap issue and also as a human rights issue.

I guess really what that also means is that then we can have some sort of platform for integrating some of these issues into COAG processes. The thing about juvenile justice issues—and I am sure everyone here has mentioned it and I think we would all agree—is that they are quite siloed. The beauty of the Closing the Gap process is that it is bringing together state, territory and Commonwealth levels of government and departments—all the different departments. I think that could be one practical step that we could take in a big picture approach to where we need to be going in terms of overrepresentation.

That is where justice reinvestment feeds in as well, because this is a strategy that we can attach to these targets to make some meaningful changes. I agree with you, Robert, that it needs to be community led, and that is where we are coming from and where Mick is coming from in putting forward justice reinvestment as a process that communities can own to create their own solutions.

It is nice to hear that the work from Fitzroy Crossing in FASD has been picked up, and the alcohol reforms. That is something that we are also looking at in this year's social justice report, and it is another example of why these things need to be so community based. It is like a how-to manual for community action.

CHAIR—Can you elaborate on the reinvestment process, because the evidence we have got about it has been quite vague, if not esoteric. How would that work in practice?

Ms Priday—It is actually a really well-stepped-out, evidence based process. The first thing you need to do is work out where the offenders are coming from. There is a demographic component. There is a research component for identifying the communities that are, I guess, high-risk communities. You would be looking at different places. If, say, you are in New South

Wales, there has been some scoping around Dubbo, for instance. But equally you could have an urban place. It could be somewhere like Mount Druitt or Blacktown. They would be other good examples. You identify the research and then you look at the drivers that are bringing people into the criminal justice system. That will entail a research component in terms of the demographic and also the systemic changes. Then there is a process of actually sitting down. In America it is based on bipartisan support. In Australia it is most likely to involve a holistic government approach. A whole range of departments would in the first instance sit down and work out an agreement, and then there is the process of bringing in the community.

I guess the difficulty in Australia at the moment is that we need to have some sort of evidence, some sort of pilot, before we can then go to government and say, 'Okay, you need to be diverting this much of your budget, hopefully, to the early intervention rather than to the things that are further down the end, such as incarceration.'

CHAIR—Basically, you are saying that Blacktown could be a pilot for that and then identified. Is that what you are saying?

Ms Priday—Sorry?

CHAIR—Blacktown could be a pilot for that.

Ms Priday—Sure.

CHAIR—Do mapping of Blacktown and then work it out.

Ms Priday—Yes. Once you have identified a community where there is a high level of overrepresentation, you can then set money aside and put it into the early intervention and diversion programs that we have seen and everyone has talked about and supported. One thing about this is that it is also really different. We hear about early intervention and diversion always as pilots. They are always programs that run for a year and then they run out of funding. Something like justice reinvestment gives them stable funding.

Mr HAASE—Members would be aghast if we were to suggest yet another review, another data collection process and another body of money used to do that instead of putting the money where we know the problem exists today. I apologise, but I cannot believe in another survey being carried out.

Ms Champion—Whether it is with the criminal justice system or whether it is with health, there is already a lot of data out there that could be reviewed.

Ms Priday—It is very doable.

Ms Hollywood—I want to say quite a few things, but is the committee familiar with the review of the New South Wales juvenile justice system that was conducted by consultants called Noetic? We refer to it in New South Wales as the Noetic review. One of their key recommendations is justice reinvestment. I suggest that rather than actually going and doing another review maybe we could have a look at it. It was a very comprehensive report. The other thing is that there was very wide consultation with the non-government sector as well as with

government departments, so its recommendations are fairly well supported. We have yet to see them actually implemented.

CHAIR—The New South Wales government did not take up many of them. Is that the one you are talking about?

Ms Hollywood—That is correct.

Mr PERRETT—So we will hear about it from O’Farrell and Keneally in the lead up-to the election, probably. They will be pushing hard on it, no doubt.

Ms Hollywood—As part of our own organisation’s advocacy in the lead-up to the state election—yes, we have some key recommendations around juvenile justice, because we think it is a significant area that needs reform.

I just wanted to go back to the point about education and engagement with education. Speaking from the New South Wales perspective, we have heard a lot about some of the barriers preventing parents from getting their kids to school, but I wanted to turn that on its head and talk about what is happening to Aboriginal children and young people when they actually are attending school in New South Wales. We have some fairly horrifying figures on the overrepresentation of Aboriginal children in school suspensions. Our organisation is just starting to do some very preliminary research on the issue of school suspension and some possible alternatives to it, but it is in its very early days. We have some figures showing that Indigenous young people are three times as likely to be suspended from school as non-Indigenous young people and that, of the young people who have been suspended from school in the past year, more than 50 per cent are likely to engage in antisocial behaviour and those young people are 70 per cent more likely to engage in violent behaviour—we are controlling for a whole range of other factors in that. So we might have a system where the kids are actually getting to school but then, for a range of reasons, are being suspended. Some of these suspensions in New South Wales last much longer than a couple of days; sometimes they can translate into weeks. That is a real concern in terms of—

Mr HUSIC—Where are you getting your stats from?

Ms Hollywood—I think we have aggregated them from Department of Education and Training data, but we can provide more detail if you would like.

Mr HUSIC—Yes.

Ms Hollywood—School suspension is a good indicator of educational disengagement, so we should be ensuring that we minimise school suspension and find some alternatives. We would also add that Aboriginal children and young people who are suspended as a result of not attending are not disengaging because they are not interested, it is just that the school is not, perhaps, providing the right kinds of culturally appropriate programs—it is not a friendly welcoming place for families et cetera. There is a whole range of things sitting underneath that.

Dr STONE—Including undiagnosed disability, hearing issues, mental health issues or whatever?

Ms Hollywood—Exactly. And that is why we want to do more research in that area.

Ms Gaskin—On the issue of parents getting kids to school, New South Wales Health, I think, has been quite proactive with children of parents with mental illness. It is a major issue—kids coming into custody have been identified as having much higher rates of parents with mental illness than children in the general population. That is another issue that adds to kids not getting to school—because they are having to look after mentally unwell parents at home or parents with other physical disabilities. That is an area that needs to be assessed, as much as anything else, whenever there is a child that is not attending school—the whole family assessment is important.

Dr STONE—In the session this afternoon someone mentioned hearing loss—that we had not really put it into the mix in this morning’s session. We know that there is endemic hearing loss for a lot of young Indigenous children—even with babies—because of upper respiratory infections and so on. Has anyone got any data or information about hearing loss diagnosis and treatments? Where that is being picked up?

Ms Gaskin—We have those figures from the criminal justice system because we screen kids for sensory deficits, including hearing loss, when they come into custody. So we have those numbers.

Dr STONE—What are you finding?

CHAIR—Very high rates.

Ms Gaskin—Very high rates, yes. We have managed to reduce those rates in the follow-up studies.

CHAIR—That would be great, Claire. Kerry, do you have some stuff?

Dr Chant—We would be able to provide that. There was an otitis media program and there has been a review of evidence, a literature review and a process where we have reoriented that program. So I can give you an extensive report on that.

Ms Hollywood—We run a pilot for family referral services, which is part of the child protection service in New South Wales, called Keep Them Safe. That family referral system is out in Dubbo. It has only been running since May last year, but otitis media is actually coming up as an issue. We have always known it is an issue but it is interesting, in a new service where we are trying to connect families who are in need of support with additional services, that that is a key issue coming up. We are looking at how we might be able to work more effectively.

I also want to talk about some of the early child and family programs. There are a number of programs that have a really strong evidence base around working with families. One of them that we self-fund at present is called NEWPIN, and we run four of those programs in Western Sydney. We also hold the licence to support other services around Australia that might be interested in running that program in their own local community. We are also running pilots into prisons, one in Western Australia and more recently down in Nowra, New South Wales. That issue that we talked about very early on, around getting in early and working with parents and

their children before things get too difficult, is really important. One of the important components is a dual-track kind of program, where you actually work with the children and deal with their developmental needs and then also work with the parents. One of the key things about NEWPIN is that it has a strong therapeutic component to it as well so that parents can deal with their own issues of trauma and abuse that they may have experienced themselves in their own young lives.

Miss Mason—I used to work for Disability Services. I am curious about the criteria that FAS sits within in the terms of reference for whether you are born with it or it is induced. Maybe that needs to be looked at. There are certain criteria, for claiming from Disability Services, that you need to look at.

I want to talk about how Swim For Life came about in the Hedland area. Young youth were very concerned about having nothing to do, so they started up a YIC, or Youth Involvement Council, program. That involved local government, industry, the public, community members, education people, DEWAR and BHP, and then they became involved with partnerships with YMCA. The Swim For Life program actually started in 2009-10. There actually two, with the bridging project as well. There were 36 enrolments in the 2009-10 session, and of the 36 enrolments 19 were female and 17 were male. There was a broad age range of 15 to 23 years, with the average age being 17 years for females and 16 years for males. Twenty-four participants passed at bronze medal level. Twelve participants did not complete the bronze medal course despite their young age. Thirteen participants were employed as lifeguards. Of those 13, nine are currently at a school or college. All lifeguards have achieved a minimum year 10 education. One participant was a university graduate. Enrolments increased in the program from 2008-09 to 2009-10. There was an increase in the number of graduates being awarded the bronze medal from 2008 to 2010. All 24 bronze medal graduates were offered casual lifeguard employment. Some participants did not take up the offer of employment due to other factors impacting on their lives.

The philosophy for it was the AAA approach, which was first articulated in the Hedland Youth Plan in 2009. It was based upon principles of youth development which empowered and encouraged young people to succeed along a continuum of individual aspiration, action and achievement. That was the stairway to 'going for gold'. The springboard to success was increasing confidence, increasing social and economic capacity and increasing skills and employment. The bridging project, which was looking at kids who were in the detention centres, was work-ready training while the young person was in custody, evaluation of the young person's goals and skills, training and support before and during placement of employment and completion and placement for fully trained young people.

Over that time we had one re-offender, and I have a list here if anybody would like to have a look at it. Since then this guy, who had gone through the system three or four times, since he was nine or 10 years of age, is now doing a traineeship as a train driver with BHP. We have got kids at high school on scholarships in Perth. We have got boilermaker apprentices. We have people working as orderlies in Kalgoorlie. We have got landscaping, hospitality and full-time employment in shipping. One of the girls—she is in this picture here—is moving to Sydney and she is going to help youth over there. She is very influential—she will call anybody in! It is a really good program.

CHAIR—Thank you for that, Patricia. We will go to Muriel and then Andrew.

Prof. Bamblett—I want to go to the point Emily made about the complexities. I congratulate you for this work; I know it is big. I think it is important that we look at the facilities where our young people are. It is important to look at how they are treated, the type of service and the people who are actually in those facilities. It is also important to look at the court processes, which I know you will be looking at, and the types of treatment that our young people are getting in the courts. Juvenile justice systems also need to look at the legislation, the policy and the programs. I know this is broad for you and you are probably looking at that. Today we have focused on the underlying issues and the pathways to juvenile justice. There was a report by Alan Hayes a number of years ago that talked about the pathways to juvenile justice and I think that is a really good document that has already done that work.

Our challenge, though, will be that in Australia we have so many states and territories. I was chair of SNAICC, a national body for children, for about 10 years and we were constantly challenged with different states. With the Northern Territory we were constantly challenged: they did not have systems; they did not have good court facilities. There was a challenge in comparatively looking at states and territories, and I think that is going to be the challenge with this. Are you going to develop national standards? Are there going to be some sort of cost comparisons around how you actually do this?

Today I have heard really good information about early intervention and prevention, and that is really important. There is an overrepresentation of our people in the punitive end of the system and an underrepresentation in the support types of services, so we have got to swing the pendulum back. We have got to have our people more involved. We have got to divert people and we have got to have rehabilitation. We have got to do pre-release transition back to the community and provide post-release support for our families. Approaches, though, have been very much a ‘do for’ all the time for us—people flying in to communities and ‘doing for’ us. There is an article written by Helen Hunt that talks about how we need to go to empowerment. The commissioner today did speak about some really good examples of how, when you empower people, you get results. We have heard about similar approaches in Western Australia. It all boils down to community engagement and Aboriginal governance. I think what I heard from you was Aboriginal people governing and setting the rules, and to me that is really critical, but it is about access and equity: access to all services.

Victoria would want to go on the record to say that we want you to consider us as having a juvenile justice problem as well, not just go and put all the money into Queensland, Western Australia and the Northern Territory. Victoria do have a juvenile justice problem, as does New South Wales, as do the states and territories, but we get left behind. It is like a projection. We are tired of it. We are Aboriginal and we have a right to have equal service across the nation, not to be pitted against each other for a tiny bucket of money and look like we are opposing each other, because we are not. I feel very strongly about every other part of the state and every other part of the country, and I think that sometimes the government pits us against each other for that very small bucket of money.

CHAIR—Thank you for that. I call Andrew and then Claire.

Mr Cummings—I just want to go back to some of the things that we know work in supporting young people, particularly Aboriginal young people, and also in diverting their attention away from criminal activity or helping them to avoid ever getting into the criminal justice system. One of the things that young people talk about time and time again as being important in terms of their engagement in the community and so on is relationships. It is about the relationships that they build with people across generations, with their peers and so on, and that really flies in the face of what Muriel was talking about before: that fly-in fly-out mentality and communities where we know services are flying in, providing a service and flying back out again. It really does not work with young people. I do not know if it works with anyone, but it particularly does not work with young people and I think particularly Aboriginal young people.

We need to be supporting programs and activities that are based on relationship building, which is a core premise of the youth work approach. That works best when it is provided by people in local communities, people who know the young people in that community and are able to build those relationships over a long period of time. We also know that sometimes—and we have heard a number of examples where—it is useful for people from outside to go in and work alongside local people in order to build up those skills and so on, so we need to be looking at how we resource that kind of activity.

One of the things that I have been hearing about when going around the country and talking to people in different states and territories, particularly in rural and remote communities, is the particular difficulties in recruiting and retaining suitable youth workers to go in and hold those kinds of positions. There are huge barriers to people first of all finding people who are willing to go into those communities for the very poor salaries they get paid. That is one problem, but there are a whole lot of other systemic things that get in the way. The chronic shortage of housing and of affordable housing is a huge problem. I remember talking to one young youth worker in WA who was working in a mining community who said that if you could get a two-bedroom flat in the town that she was living in it would be \$1,500 a week. She had bought a second-hand, run-down caravan with her partner for \$7,000, and they were paying \$250 a week to park it nearly a kilometre away from the nearest toilets at the caravan park. But she was a passionate young woman who saw this as a chance to have a life experience. She was going to stay for a year or so and then go and travel the world. So we need to be really looking at how we resource those types of people.

There is the competition for jobs in mining communities. We heard from Andrew from Rio Tinto that there is a shortage of staff who are willing to work in the mines, but we are hearing constantly that those companies can offer, even for the most basic admin jobs, salaries at least double what we can offer for community service type roles like youth work. And those companies can build houses and they can provide company cars and a whole lot of other things, so there is a real problem from a sector development point of view in resourcing people who are willing to go and work in communities alongside the local people to help them build their skills.

There is a problem with training. One of the things that we were hearing particularly in the Northern Territory was that officially there were five or six RTOs, registered training organisations, which were willing to go in and train people who wanted youth work qualifications, but the reality was that, as soon as organisations started talking to those RTOs about going into remote communities, it was: ‘Oh, no, we can’t do that. They’re too expensive; we can’t afford the costs.’ So the government say, ‘Hey, we’ve got six providers,’ but the service

providers say, 'We cannot get one of them to come out and run the kinds of courses that we need in order to have people working at the level of qualification that we need.'

It is a bit of a diversion away from that, but one other thing that research, particularly international research, shows is particularly useful is peer-to-peer support. That is training and supporting young people to go in and work alongside other young people to provide them with education, social discussions and so on. It is an approach that is working really well in a number of countries. The UK have been investing in that for many years. They have some really good, well-developed programs. Personally, I think Australia is a bit behind the eight ball with that. I know there is a really good program in WA at the moment around health education with a peer support approach, but I think there is a real opportunity to look at and pilot some approaches here in Australia, particularly with Aboriginal youth.

Ms Gaskin—I know that we have talked a lot about the negatives and the problems. I just wanted to say that the thing that strikes me is that I see a lot of young people who really want to be helped when they come into custody. They want to have an opportunity to change their lives. They want treatment for their mental health problems. They want treatment for their parents' mental health problems and their social, housing and other problems. Very many of them want to be in education and get jobs and have families and do all of the things that we take for granted. Hopefully what is addressed in the committee's report and recommendations is looking at the factors that build resilience, because this community, and particularly young people in custody and Aboriginal young people, have enormous resilience. I think that if we had experienced many of the traumas that they have themselves and also their families have we would not be in the positions we are in and we probably would not be functioning even as well as they are. So although they are getting into trouble and doing other things that we do not want them to, I am very glad that the committee is looking at this because offending is not a sexy thing, it is not a thing that people want to spend money on, but if we can get people to address the resilience factors and really look with young people in the Aboriginal communities at how they are surviving and how we can help them survive better and achieve those things that not all but very many of them want that would help. I just wanted to say that. Thanks.

CHAIR—Thanks, Claire. Thank you to all those people who travelled, particularly from Western Australia and Far North Queensland. And people from the Northern Territory, thank you very much for coming.

Resolved (on motion by **Dr Stone**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 4.07 pm